

By: Representatives Powell, Busby, Eure,  
Holland, Shanks, Zuber

To: Ways and Means

## HOUSE BILL NO. 1052

1 AN ACT TO AMEND SECTION 67-1-3, MISSISSIPPI CODE OF 1972, TO  
2 RENOUNCE PROHIBITION AS THE POLICY OF THIS STATE IN FAVOR OF THE  
3 LEGAL MANUFACTURE, SALE, DISTRIBUTION, POSSESSION AND  
4 TRANSPORTATION OF ALCOHOLIC BEVERAGES, EXCEPT IN COUNTIES THAT  
5 VOTE TO INSTITUTE PROHIBITION AFTER HOLDING A LOCAL OPTION  
6 ELECTION ON THE MATTER; TO BRING FORWARD SECTIONS 67-1-5, 67-1-7,  
7 67-1-9, 67-1-11, 67-1-13, 67-1-14, 67-1-15, 67-1-16, 67-1-17,  
8 67-1-37, 67-1-41, 67-1-51, 67-1-57, 67-1-65, 67-1-72, 67-1-85,  
9 67-1-91 AND 67-1-101, WHICH ARE CERTAIN SECTIONS OF THE LOCAL  
10 OPTION ALCOHOLIC BEVERAGE CONTROL LAW, FOR THE PURPOSES OF  
11 POSSIBLE AMENDMENT; TO BRING FORWARD SECTIONS 67-3-5, 67-3-7,  
12 67-3-9, 67-3-13 AND 67-3-67, WHICH ARE CERTAIN SECTIONS REGULATING  
13 THE MANUFACTURE, SALE, POSSESSION, TRANSPORTATION AND DISTRIBUTION  
14 OF LIGHT WINE AND BEER, FOR THE PURPOSES OF POSSIBLE AMENDMENT; TO  
15 BRING FORWARD SECTION 67-9-1, MISSISSIPPI CODE OF 1972, WHICH  
16 RELATES TO THE TRANSPORTATION AND POSSESSION OF ALCOHOL BY PERSONS  
17 WITH ALCOHOL PROCESSING PERMITS, FOR THE PURPOSES OF POSSIBLE  
18 AMENDMENT; TO BRING FORWARD SECTIONS 27-71-15 AND 27-71-31,  
19 MISSISSIPPI CODE OF 1972, WHICH PROVIDE RESTRICTIONS ON THE  
20 TRANSPORTATION OF ALCOHOLIC BEVERAGES THROUGH COUNTIES THAT HAVE  
21 NOT AUTHORIZED THE SALE OF ALCOHOLIC BEVERAGES AND FOR THE  
22 CONSTRUCTION OF CERTAIN LAWS RELATING TO ALCOHOLIC BEVERAGES, FOR  
23 THE PURPOSES OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION  
24 97-31-47, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR CRIMES  
25 RELATED TO THE UNLAWFUL TRANSPORTATION OF LIQUOR, FOR THE PURPOSES  
26 OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 57-26-1,  
27 MISSISSIPPI CODE OF 1972, WHICH DEFINES CERTAIN TERMS FOR PURPOSES  
28 OF THE TOURISM PROJECT SALES TAX INCENTIVE PROGRAM; FOR THE  
29 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

30 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:



31       **SECTION 1.** Section 67-1-3, Mississippi Code of 1972, is  
32 amended as follows:

33       67-1-3. From and after January 1, 2020, the policy of this  
34 state is \* \* \* hereby declared to be a renunciation of prohibition  
35 in favor of the legal manufacture, sale, distribution, possession  
36 and transportation of \* \* \* alcoholic beverages in this state,  
37 except in such counties that vote to institute prohibition after  
38 holding a local option election on the matter. The purpose and  
39 intent of this chapter is to \* \* \* provide the laws under which  
40 alcoholic beverages may be legally sold, manufactured, possessed  
41 and distributed.

42       All laws and parts of laws in conflict with this chapter are  
43 repealed only to the extent of such conflict; however, except as  
44 is provided in this chapter, all laws prohibiting the manufacture,  
45 sale, distribution and possession of alcoholic beverages, which  
46 are not in conflict with this chapter shall remain in full force  
47 and effect \* \* \* in counties \* \* \* wherein \* \* \* a prohibition on  
48 the manufacture, sale, distribution and possession of alcoholic  
49 beverages \* \* \* shall hereafter be authorized as a result of an  
50 election held after January 1, 2020, under Section 67-1-11 or  
51 Section 67-1-14, Mississippi Code of 1972, or as otherwise  
52 provided in this chapter.

53       **SECTION 2.** Section 67-1-5, Mississippi Code of 1972, is  
54 brought forward as follows:



67-1-5. For the purposes of this chapter and unless otherwise required by the context:

(a) "Alcoholic beverage" means any alcoholic liquid, including wines of more than five percent (5%) of alcohol by weight, capable of being consumed as a beverage by a human being, but shall not include light wine and beer, as defined in Section 67-3-3, Mississippi Code of 1972, but shall include native wines. The words "alcoholic beverage" shall not include ethyl alcohol manufactured or distilled solely for fuel purposes or beer of an alcoholic content of more than eight percent (8%) by weight if the beer is legally manufactured in this state for sale in another state.

(b) "Alcohol" means the product of distillation of any fermented liquid, whatever the origin thereof, and includes synthetic ethyl alcohol, but does not include denatured alcohol or wood alcohol.

(c) "Distilled spirits" means any beverage containing more than four percent (4%) of alcohol by weight produced by distillation of fermented grain, starch, molasses or sugar, including dilutions and mixtures of these beverages.

(d) "Wine" or "vinous liquor" means any product obtained from the alcoholic fermentation of the juice of sound, ripe grapes, fruits or berries and made in accordance with the revenue laws of the United States.



(e) "Person" means and includes any individual, partnership, corporation, association or other legal entity whatsoever.

(f) "Manufacturer" means any person engaged in manufacturing, distilling, rectifying, blending or bottling any alcoholic beverage.

(g) "Wholesaler" means any person, other than a manufacturer, engaged in distributing or selling any alcoholic beverage at wholesale for delivery within or without this state when such sale is for the purpose of resale by the purchaser.

(h) "Retailer" means any person who sells, distributes, or offers for sale or distribution, any alcoholic beverage for use or consumption by the purchaser and not for resale.

(i) "State Tax Commission," "commission" or "department" means the Department of Revenue of the State of Mississippi, which shall create a division in its organization to be known as the Alcoholic Beverage Control Division. Any reference to the commission or the department hereafter means the powers and duties of the Department of Revenue with reference to supervision of the Alcoholic Beverage Control Division.

(j) "Division" means the Alcoholic Beverage Control Division of the Department of Revenue.

(k) "Municipality" means any incorporated city or town of this state.



(1) "Hotel" means an establishment within a municipality, or within a qualified resort area approved as such by the department, where, in consideration of payment, food and lodging are habitually furnished to travelers and wherein are located at least twenty (20) adequately furnished and completely separate sleeping rooms with adequate facilities that persons usually apply for and receive as overnight accommodations. Hotels in towns or cities of more than twenty-five thousand (25,000) population are similarly defined except that they must have fifty (50) or more sleeping rooms. Any such establishment described in this paragraph with less than fifty (50) beds shall operate one or more regular dining rooms designed to be constantly frequented by customers each day. When used in this chapter, the word "hotel" shall also be construed to include any establishment that meets the definition of "bed and breakfast inn" as provided in this section.

(m) "Restaurant" means:

(i) A place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation, which has suitable seating facilities for guests, and which has suitable kitchen facilities connected therewith for cooking an assortment of foods and meals commonly ordered at various hours of the day; the service of such food as sandwiches and salads only shall not be deemed in compliance with this requirement. Except as otherwise provided in this paragraph, no



place shall qualify as a restaurant under this chapter unless  
twenty-five percent (25%) or more of the revenue derived from such  
place shall be from the preparation, cooking and serving of meals  
and not from the sale of beverages, or unless the value of food  
given to and consumed by customers is equal to twenty-five percent  
(25%) or more of total revenue; or

(ii) Any privately owned business located in a  
building in a historic district where the district is listed in  
the National Register of Historic Places, where the building has a  
total occupancy rating of not less than one thousand (1,000) and  
where the business regularly utilizes ten thousand (10,000) square  
feet or more in the building for live entertainment, including not  
only the stage, lobby or area where the audience sits and/or  
stands, but also any other portion of the building necessary for  
the operation of the business, including any kitchen area, bar  
area, storage area and office space, but excluding any area for  
parking. In addition to the other requirements of this  
subparagraph, the business must also serve food to guests for  
compensation within the building and derive the majority of its  
revenue from event-related fees, including, but not limited to,  
admission fees or ticket sales to live entertainment in the  
building, and from the rental of all or part of the facilities of  
the business in the building to another party for a specific event  
or function.

(n) "Club" means an association or a corporation:



(i) Organized or created under the laws of this state for a period of five (5) years prior to July 1, 1966;

(ii) Organized not primarily for pecuniary profit but for the promotion of some common object other than the sale or consumption of alcoholic beverages;

(iii) Maintained by its members through the payment of annual dues;

(iv) Owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests;

(v) The affairs and management of which are conducted by a board of directors, board of governors, executive committee, or similar governing body chosen by the members at a regular meeting held at some periodic interval; and

(vi) No member, officer, agent or employee of which is paid, or directly or indirectly receives, in the form of a salary or other compensation any profit from the distribution or sale of alcoholic beverages to the club or to members or guests of the club beyond such salary or compensation as may be fixed and voted at a proper meeting by the board of directors or other governing body out of the general revenues of the club.

The department may, in its discretion, waive the five-year provision of this paragraph. In order to qualify under this paragraph, a club must file with the department, at the time of



178 its application for a license under this chapter, two (2) copies  
179 of a list of the names and residences of its members and similarly  
180 file, within ten (10) days after the election of any additional  
181 member, his name and address. Each club applying for a license  
182 shall also file with the department at the time of the application  
183 a copy of its articles of association, charter of incorporation,  
184 bylaws or other instruments governing the business and affairs  
185 thereof.

186           (o) "Qualified resort area" means any area or locality  
187 outside of the limits of incorporated municipalities in this state  
188 commonly known and accepted as a place which regularly and  
189 customarily attracts tourists, vacationists and other transients  
190 because of its historical, scenic or recreational facilities or  
191 attractions, or because of other attributes which regularly and  
192 customarily appeal to and attract tourists, vacationists and other  
193 transients in substantial numbers; however, no area or locality  
194 shall so qualify as a resort area until it has been duly and  
195 properly approved as such by the department. The department may  
196 not approve an area as a qualified resort area after July 1, 2018,  
197 if any portion of such proposed area is located within two (2)  
198 miles of a convent or monastery that is located in a county  
199 traversed by Interstate 55 and U.S. Highway 98. A convent or  
200 monastery may waive such distance restrictions in favor of  
201 allowing approval by the department of an area as a qualified  
202 resort area. Such waiver shall be in written form from the owner,





the governing body, or the appropriate officer of the convent or monastery having the authority to execute such a waiver, and the waiver shall be filed with and verified by the department before becoming effective.

(i) The department may approve an area or locality outside of the limits of an incorporated municipality that is in the process of being developed as a qualified resort area if such area or locality, when developed, can reasonably be expected to meet the requisites of the definition of the term "qualified resort area." In such a case, the status of qualified resort area shall not take effect until completion of the development.

(ii) The term includes any state park which is declared a resort area by the department; however, such declaration may only be initiated in a written request for resort area status made to the department by the Executive Director of the Department of Wildlife, Fisheries and Parks, and no permit for the sale of any alcoholic beverage, as defined in this chapter, except an on-premises retailer's permit, shall be issued for a hotel, restaurant or bed and breakfast inn in such park.

(iii) The term includes:

1. The clubhouses associated with the state park golf courses at the Lefleur's Bluff State Park, the John Kyle State Park, the Percy Quin State Park and the Hugh White State Park;



227                   2. The clubhouse and associated golf course  
228 where the golf course is adjacent to one or more planned  
229 residential developments and the golf course and all such  
230 developments collectively include at least seven hundred fifty  
231 (750) acres and at least four hundred (400) residential units;

232                   3. Any facility located on property that is a  
233 game reserve with restricted access that consists of at least  
234 three thousand (3,000) contiguous acres with no public roads and  
235 that offers as a service hunts for a fee to overnight guests of  
236 the facility;

237                   4. Any facility located on federal property  
238 surrounding a lake and designated as a recreational area by the  
239 United States Army Corps of Engineers that consists of at least  
240 one thousand five hundred (1,500) acres;

241                   5. Any facility that is located in a  
242 municipality that is bordered by the Pearl River, traversed by  
243 Mississippi Highway 25, adjacent to the boundaries of the Jackson  
244 International Airport and is located in a county which has voted  
245 against coming out from under the dry law; however, any such  
246 facility may only be located in areas designated by the governing  
247 authorities of such municipality;

248                   6. Any municipality with a population in  
249 excess of ten thousand (10,000) according to the latest federal  
250 decennial census that is located in a county that is bordered by  
251 the Pearl River and is not traversed by Interstate Highway 20,



with a population in excess of forty-five thousand (45,000) according to the latest federal decennial census; however, the governing authorities of such a municipality may by ordinance:

a. Specify the hours of operation of facilities that offer alcoholic beverages for sale;

b. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages;

c. Designate the areas in which facilities that offer alcoholic beverages for sale may be located;

7. The West Pearl Restaurant Tax District as defined in Chapter 912, Local and Private Laws of 2007;

8. a. Land that is located in any county in which Mississippi Highway 43 and Mississippi Highway 25 intersect and:

A. Owned by the Pearl River Valley Water Supply District, and/or

B. Located within the Reservoir Community District, zoned commercial, east of Old Fannin Road, north of Regatta Drive, south of Spillway Road, west of Hugh Ward Boulevard and accessible by Old Fannin Road, Spillway Road, Spann Drive and/or Lake Vista Place, and/or

C. Located within the Reservoir Community District, zoned commercial, west of Old Fannin Road,



south of Spillway Road and extending to the boundary of the corporate limits of the City of Flowood, Mississippi;

b. The board of supervisors of such county, with respect to B and C of this item 8, may by resolution or other order:

A. Specify the hours of operation of facilities that offer alcoholic beverages for sale,

B. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages, and

C. Designate the areas in which facilities that offer alcoholic beverages for sale may be located;

9. Any facility located on property that is a game reserve with restricted access that consists of at least eight hundred (800) contiguous acres with no public roads, that offers as a service hunts for a fee to overnight guests of the facility, and has accommodations for at least fifty (50) overnight guests;

10. Any facility that:

a. Consists of at least six thousand (6,000) square feet being heated and cooled along with an additional adjacent area that consists of at least two thousand two hundred (2,200) square feet regardless of whether heated and cooled,



b. For a fee is used to host events such as weddings, reunions and conventions,

c. Provides lodging accommodations regardless of whether part of the facility and/or located adjacent to or in close proximity to the facility, and

d. Is located on property that consists of at least thirty (30) contiguous acres;

11. Any facility and related property:

a. Located on property that consists of at least one hundred twenty-five (125) contiguous acres and consisting of an eighteen (18) hole golf course, and/or located in a facility that consists of at least eight thousand (8,000) square feet being heated and cooled,

b. Used for the purpose of providing meals and hosting events, and

c. Used for the purpose of teaching culinary arts courses and/or turf management and grounds keeping courses, and/or outdoor recreation and leadership courses;

12. Any facility and related property that:

a. Consist of at least eight thousand (8,000) square feet being heated and cooled,

b. For a fee is used to host events,

c. Is used for the purpose of culinary arts courses, and/or outdoor recreation and leadership courses;



13. The clubhouse and associated golf course where the golf course is adjacent to one or more residential developments and the golf course and all such developments collectively include at least two hundred (200) acres and at least one hundred fifty (150) residential units and are located a. in a county that has voted against coming out from under the dry law; and b. outside of but in close proximity to a municipality in such county which has voted under Section 67-1-14, after January 1, 2013, to come out from under the dry law;

14. The clubhouse and associated eighteen (18) hole golf course located in a municipality traversed by Interstate Highway 55 and U.S. Highway 51 that has voted to come out from under the dry law;

15. Land that is planned for mixed use development and consists of at least two hundred (200) contiguous acres with one or more planned residential developments collectively planned to include at least two hundred (200) residential units when completed and which land is located:

a. In a county that has voted to come out from under the dry law,

b. Outside the corporate limits of any municipality in such county and adjacent to or in close proximity to a golf course located in a municipality in such county, and

c. Within one (1) mile of a state institution of higher learning.



351       The status of these municipalities, districts, clubhouses,  
352 facilities, golf courses and areas described in subparagraph (iii)  
353 of this paragraph (o) as qualified resort areas does not require  
354 any declaration of same by the department.

355           (p) "Native wine" means any product, produced in  
356 Mississippi for sale, having an alcohol content not to exceed  
357 twenty-one percent (21%) by weight and made in accordance with  
358 revenue laws of the United States, which shall be obtained  
359 primarily from the alcoholic fermentation of the juice of ripe  
360 grapes, fruits, berries or vegetables grown and produced in  
361 Mississippi; provided that bulk, concentrated or fortified wines  
362 used for blending may be produced without this state and used in  
363 producing native wines. The department shall adopt and promulgate  
364 rules and regulations to permit a producer to import such bulk  
365 and/or fortified wines into this state for use in blending with  
366 native wines without payment of any excise tax that would  
367 otherwise accrue thereon.

368           (q) "Native winery" means any place or establishment  
369 within the State of Mississippi where native wine is produced, in  
370 whole or in part, for sale.

371           (r) "Bed and breakfast inn" means an establishment  
372 within a municipality where in consideration of payment, breakfast  
373 and lodging are habitually furnished to travelers and wherein are  
374 located not less than eight (8) and not more than nineteen (19)  
375 adequately furnished and completely separate sleeping rooms with



adequate facilities, that persons usually apply for and receive as overnight accommodations; however, such restriction on the minimum number of sleeping rooms shall not apply to establishments on the National Register of Historic Places. No place shall qualify as a bed and breakfast inn under this chapter unless on the date of the initial application for a license under this chapter more than fifty percent (50%) of the sleeping rooms are located in a structure formerly used as a residence.

(s) "Board" shall refer to the Board of Tax Appeals of the State of Mississippi.

(t) "Spa facility" means an establishment within a municipality or qualified resort area and owned by a hotel where, in consideration of payment, patrons receive from licensed professionals a variety of private personal care treatments such as massages, facials, waxes, exfoliation and hairstyling.

(u) "Art studio or gallery" means an establishment within a municipality or qualified resort area that is in the sole business of allowing patrons to view and/or purchase paintings and other creative artwork.

(v) "Cooking school" means an establishment within a municipality or qualified resort area and owned by a nationally recognized company that offers an established culinary education curriculum and program where, in consideration of payment, patrons are given scheduled professional group instruction on culinary techniques. For purposes of this paragraph, the definition of





cooking school shall not include schools or classes offered by grocery stores, convenience stores or drugstores.

(w) "Campus" means property owned by a public school district, community or junior college, college or university in this state where educational courses are taught, school functions are held, tests and examinations are administered or academic course credits are awarded; however, the term shall not include any "restaurant" or "hotel" that is located on property owned by a community or junior college, college or university in this state, and is operated by a third party who receives all revenue generated from food and alcoholic beverage sales.

**SECTION 3.** Section 67-1-7, Mississippi Code of 1972, is brought forward as follows:

67-1-7. (1) Except as otherwise provided in Section 67-9-1 for the transportation and possession of limited amounts of alcoholic beverages for the use of an alcohol processing permittee, and subject to all of the provisions and restrictions contained in this chapter, the manufacture, sale, distribution, possession and transportation of alcoholic beverages shall be lawful, subject to the restrictions hereinafter imposed, in those counties and municipalities of this state in which, at a local option election called and held for that purpose under the provisions of this chapter, a majority of the qualified electors voting in such election shall vote in favor thereof. Except as otherwise provided in Section 67-1-51 for holders of a caterer's



426 permit, the manufacture, sale and distribution of alcoholic  
427 beverages shall not be permissible or lawful in counties except in  
428 (a) incorporated municipalities located within such counties, (b)  
429 qualified resort areas within such counties approved as such by  
430 the State Tax Commission, or (c) clubs within such counties,  
431 whether within a municipality or not. The manufacture, sale,  
432 distribution and possession of native wines shall be lawful in any  
433 location within any such county except those locations where the  
434 manufacture, sale or distribution is prohibited by law other than  
435 this section or by regulations of the commission.

436 (2) Notwithstanding the foregoing, within any state park or  
437 any state park facility that has been declared a qualified resort  
438 area by the commission, and within any qualified resort area as  
439 defined under Section 67-1-5(o)(iii), an on-premises retailer's  
440 permit may be issued for the qualified resort area, and the  
441 permittee may lawfully sell alcoholic beverages for consumption on  
442 his licensed premises regardless of whether or not the county or  
443 municipality in which the qualified resort area is located has  
444 voted in favor of coming out from under the dry law, and it shall  
445 be lawful to receive, store, sell, possess and consume alcoholic  
446 beverages on the licensed premises, and to sell, distribute and  
447 transport alcoholic beverages to the licensed premises.

448 **SECTION 4.** Section 67-1-9, Mississippi Code of 1972, is  
449 brought forward as follows:



450           67-1-9. (1) It shall be unlawful for any person to  
451 manufacture, distill, brew, sell, possess, import into this state,  
452 export from the state, transport, distribute, warehouse, store,  
453 solicit, take order for, bottle, rectify, blend, treat, mix or  
454 process any alcoholic beverage except as authorized in this  
455 chapter. However, nothing contained herein shall prevent  
456 importers, wineries and distillers of alcoholic beverages from  
457 storing such alcoholic beverages in private bonded warehouses  
458 located within the State of Mississippi for the ultimate use and  
459 benefit of the Department of Revenue as provided in Section  
460 67-1-41. The department is hereby authorized to promulgate rules  
461 and regulations for the establishment of such private bonded  
462 warehouses and for the control of alcoholic beverages stored in  
463 such warehouses. Additionally, nothing herein contained shall  
464 prevent any duly licensed practicing physician or dentist from  
465 possessing or using alcoholic liquor in the strict practice of his  
466 profession, or prevent any hospital or other institution caring  
467 for sick and diseased persons, from possessing and using alcoholic  
468 liquor for the treatment of bona fide patients of such hospital or  
469 other institution. Any drugstore employing a licensed pharmacist  
470 may possess and use alcoholic liquors in the combination of  
471 prescriptions of duly licensed physicians. The possession and  
472 dispensation of wine by an authorized representative of any church  
473 for the purpose of conducting any bona fide rite or religious



ceremony conducted by such church shall not be prohibited by this chapter.

(2) Any person, upon conviction of any provision of this section, shall be punished as follows:

(a) By a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not less than one (1) week nor more than three (3) months, or both, for the first conviction under this section.

(b) By a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by imprisonment in the county jail not less than sixty (60) days, nor more than six (6) months, or both fine and imprisonment, for the second conviction for violating this section.

(c) By a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by imprisonment in the State Penitentiary not less than one (1) year, nor more than five (5) years, or both fine and imprisonment, for conviction the third time under this section for the violation thereof after having been twice convicted of its violation.

(3) Nothing in this section shall make it unlawful to transport bottles or containers of alcoholic beverages that are legally purchased in this state if the bottles or containers are unopened and are being transported on state or federal highway.



498           **SECTION 5.** Section 67-1-11, Mississippi Code of 1972, is  
499 brought forward as follows:

500           67-1-11. (1) Notwithstanding any provision of this chapter,  
501 the legalizing provisions of this chapter, except as authorized  
502 under Section 67-9-1 and Section 67-1-7(2), shall not be  
503 effective, applicable or operative in any county unless and until  
504 a local option election shall be called and held in such county in  
505 the manner and with the results hereinafter provided.

506           (2) Upon presentation and filing of a proper petition  
507 requesting same signed by at least twenty percent (20%) or fifteen  
508 hundred (1,500), whichever number is the lesser, of the qualified  
509 electors of the county, it shall be the duty of the board of  
510 supervisors to call an election at which there shall be submitted  
511 to the qualified electors of the county the question of whether or  
512 not the sale, distribution and possession of alcoholic liquors  
513 shall be permitted in such county as provided in this chapter.  
514 Such election shall be held and conducted by the county election  
515 commissioners on a date fixed by the order of the board of  
516 supervisors, which date shall not be more than sixty (60) days  
517 from the date of the filing of said petition. Notice thereof  
518 shall be given by publishing such notice once each week for at  
519 least three (3) consecutive weeks in some newspaper published in  
520 said county or, if no newspaper be published therein, by such  
521 publication in a newspaper in an adjoining county and having a  
522 general circulation in the county involved. The election shall be



523 held not earlier than fifteen (15) days from the first publication  
524 of such notice.

525 (3) Said election shall be held and conducted as far as may  
526 be possible in the same manner as is provided by law for the  
527 holding of general elections. The ballots used thereat shall  
528 contain a brief statement of the proposition submitted and, on  
529 separate lines, the words "I vote FOR coming out from under the  
530 dry law in \_\_\_\_\_ County ( )" "I vote AGAINST coming out from  
531 under the dry law in \_\_\_\_\_ County ( )" with appropriate boxes  
532 in which the voters may express their choice. All qualified  
533 electors may vote by marking the ballot with a cross (x) or check  
534 (✓) mark opposite the words of their choice.

535 (4) The election commissioners shall canvass and determine  
536 the results of said election, and shall certify same to the board  
537 of supervisors which shall adopt and spread upon its minutes an  
538 order declaring such results. If, in such election, a majority of  
539 the qualified electors participating therein shall vote in favor  
540 of the proposition, this chapter shall become applicable and  
541 operative in such county and the manufacture, sale, distribution  
542 and possession of alcoholic beverages therein shall be lawful to  
543 the extent and in the manner permitted hereby. If, on the other  
544 hand, a majority of the qualified electors participating in the  
545 election shall vote against the proposition, this chapter, except  
546 for Section 67-9-1 and 67-1-7(2), shall not become effective and  
547 operative in such county and, except as otherwise provided under



548 Section 67-9-1 and 67-1-7(2), all laws prohibiting and regulating  
549 the manufacture, sale, distribution and possession of intoxicating  
550 liquor shall remain in full force and effect and be administered  
551 and vigorously prosecuted therein. In either case, no further  
552 election shall be held in said county under the provisions of this  
553 chapter for a period of two (2) years from the date of the prior  
554 election and then only upon the filing of a petition requesting  
555 same signed by at least twenty percent (20%) or fifteen hundred  
556 (1,500), whichever number is the lesser, of the qualified electors  
557 of the county as is otherwise provided herein.

558 **SECTION 6.** Section 67-1-13, Mississippi Code of 1972, is  
559 brought forward as follows:

560 67-1-13. (1) When this chapter has been made effective and  
561 operative in any county as a result of an election called and held  
562 as provided in Section 67-1-11, the same may be made ineffective  
563 and inapplicable therein by an election called and held upon a  
564 petition filed with the board of supervisors requesting same  
565 signed by at least twenty percent (20%) or fifteen hundred (1500),  
566 whichever number is the lesser, of the qualified electors of the  
567 county as is otherwise provided in Section 67-1-11, all of the  
568 provisions of which shall be fully applicable thereto. However,  
569 nothing herein shall authorize or permit the calling and holding  
570 of any election under this chapter in any county more often than  
571 once every two (2) years. If in such election, a majority of the  
572 qualified electors participating therein shall vote against the



573 legalized sale of intoxicating liquor, then the prohibition laws  
574 of the State of Mississippi, except as otherwise provided under  
575 Section 67-9-1 and 67-1-7(2), shall become applicable in said  
576 county.

577 (2) Notwithstanding an election reinstating the prohibition  
578 laws in a political subdivision, the holder of a native wine  
579 producer's permit or a native wine retailer's permit is allowed to  
580 continue to operate under such permits and to renew such permits.  
581 Possession of native wines and personal property related to the  
582 activities of the native wine permit holder which would otherwise  
583 be unlawful under prohibition shall be allowed subject to  
584 regulations of the Alcoholic Beverage Control Division.

585 **SECTION 7.** Section 67-1-14, Mississippi Code of 1972, is  
586 brought forward as follows:

587 67-1-14. (1) The legalizing provisions of this chapter may  
588 be effective, applicable and operative in any municipality located  
589 in a county which has voted against coming out from under the dry  
590 law if a local option election shall be called and held in such  
591 municipality in the manner and with the results hereinafter  
592 provided.

593 (2) (a) Any municipality in this state having a population  
594 of not less than five thousand (5,000) according to the latest  
595 federal census and which is located in a county which has voted  
596 against coming out from under the dry law, or any municipality  
597 that is a county seat and which is located in a county which has





598 voted against coming out from under the dry law, may, at an  
599 election held for the purpose under the election laws applicable  
600 to such municipality, either prohibit or permit, except as  
601 otherwise provided under Section 67-9-1, the sale, and the  
602 receipt, storage and transportation for the purpose of sale, of  
603 alcoholic beverages. An election to determine whether such sale  
604 and possession shall be permitted in municipalities wherein its  
605 sale and possession is prohibited by law shall be ordered by the  
606 municipal governing authorities upon the presentation of a  
607 petition to such governing authorities containing the names of at  
608 least twenty percent (20%) of the duly qualified voters of such  
609 municipality asking for such election. In like manner, an  
610 election to determine whether such sale and possession shall be  
611 prohibited in municipalities wherein its sale is permitted by law  
612 shall be ordered by the municipal governing authorities upon the  
613 presentation of a petition to such governing authorities  
614 containing the names of at least twenty percent (20%) of the duly  
615 qualified voters of such municipality asking for such election.  
616 No election on either question shall be held by any one (1)  
617 municipality more often than once in two (2) years.

618       Thirty (30) days' notice shall be given to the qualified  
619 electors of such municipality, in the manner prescribed by law,  
620 upon the question of either permitting or prohibiting such sale  
621 and possession, such notice to contain a statement of the question  
622 to be voted on at the election. The ballots to be used in the



623 election shall have the following words printed thereon: "For the  
624 legal sale of alcoholic liquors" and the words "Against the legal  
625 sale of alcoholic liquors" next below. In marking his ballot the  
626 voter shall make a cross (X) opposite the words of his choice.

627       If in the election a majority of the qualified electors  
628 voting in the election shall vote "for the legal sale of alcoholic  
629 liquors," then the municipal governing authorities shall pass the  
630 necessary order permitting the legal sale of such alcoholic  
631 beverages in such municipality. If in the election a majority of  
632 the qualified electors voting in the election shall vote "against  
633 the legal sale of alcoholic liquors," then the municipal governing  
634 authorities shall pass the necessary order prohibiting the sale of  
635 alcoholic beverages in such municipality.

636       (b) The provisions of this subsection shall also apply  
637 to any municipality having a population of not less than six  
638 thousand (6,000) according to the latest federal census, a portion  
639 of which is located in a county which has voted against coming out  
640 from under the dry law and a portion of which is located in a  
641 county which has voted in favor of coming out from under the dry  
642 law. For the purpose of determining whether or not such a  
643 municipality meets the threshold population of six thousand  
644 (6,000) which will qualify the municipality to hold an election  
645 under this subsection, the entire population of the municipality  
646 shall be considered; however, the petition to hold the election  
647 authorized in this subsection shall be ordered by the municipal



648 governing authorities upon the presentation of a petition to such  
649 governing authorities containing the names of at least twenty  
650 percent (20%) of the duly qualified voters of such municipality  
651 who reside in that portion of the municipality located in a county  
652 which has voted against coming out from under the dry law and the  
653 election shall be held only in that portion of the municipality.  
654 In all other respects, the authority for the holding of elections  
655 and the manner in which such elections shall be conducted shall be  
656 as prescribed in paragraph (a) of this subsection; and, after  
657 proper certification of election results, the municipal governing  
658 authorities shall pass the appropriate order to permit or prohibit  
659 the legal sale of alcoholic beverages in that portion of the  
660 municipality located in a county which has voted against coming  
661 out from under the dry law.

662 (3) The governing authorities of a municipality that has  
663 voted to come out from under the dry laws after August 23, 2012,  
664 may, by ordinance, provide that alcoholic beverages may be sold in  
665 the municipality only by the holder of an on-premises retailer's  
666 permit.

667 **SECTION 8.** Section 67-1-15, Mississippi Code of 1972, is  
668 brought forward as follows:

669 67-1-15. In any county having two judicial districts, each  
670 such judicial district shall be construed to be a political  
671 subdivision or subdivision of government on the same basis as a  
672 county, and as such, a judicial district will be entitled to all



of the rights, privileges, and immunities as a county for the purposes of authorizing the sale of intoxicating liquor therein under the provisions of this chapter.

**SECTION 9.** Section 67-1-16, Mississippi Code of 1972, is brought forward as follows:

67-1-16. (1) (a) Before an area may be designated by the governing authorities of a municipality as an area in which facilities which are defined as qualified resort areas in Section 67-1-5(o)(iii)5 may be located, an election shall be held, under the election laws applicable to the municipality, on the question of whether qualified resort areas shall be allowed in the municipality. An election to determine whether qualified resort areas shall be allowed in the municipality shall be ordered by the municipal governing authorities, upon presentation to the governing authorities of a petition containing the names of at least twenty percent (20%) of the duly qualified voters of the municipality asking for the election. An election on the question may not be held by the municipality more often than once each year.

(b) Thirty (30) days' notice shall be given to the qualified electors of the municipality, in the manner prescribed by law, on the question of allowing qualified resort areas to be established. The notice shall contain a statement of the question to be voted on at the election. The ballots used in the election shall have the following words printed thereon: "FOR THE



698 ESTABLISHMENT OF QUALIFIED RESORT AREAS," and next below, "AGAINST  
699 THE ESTABLISHMENT OF QUALIFIED RESORT AREAS." In marking his  
700 ballot, the voter shall make a cross (X) opposite the words of his  
701 choice.

702 (c) Qualified resort areas may be established if a  
703 majority of the qualified electors voting in the election vote for  
704 such establishment. A qualified resort area may not be  
705 established if a majority of the qualified electors voting in the  
706 election vote against such establishment.

707 (2) (a) Before a municipality may be designated as a  
708 qualified resort area as defined in Section 67-1-5(o)(iii)6, an  
709 election shall be held, under the election laws applicable to the  
710 municipality, on the question of whether the municipality shall be  
711 a qualified resort area. An election to determine whether the  
712 municipality shall be a qualified resort area shall be ordered by  
713 the municipal governing authorities, upon presentation to the  
714 governing authorities of a petition containing the names of at  
715 least twenty percent (20%) of the duly qualified voters of the  
716 municipality asking for the election. An election on the question  
717 may not be held by the municipality more often than once each  
718 year.

719 (b) Thirty (30) days' notice shall be given to the  
720 qualified electors of the municipality, in the manner prescribed  
721 by law, on the question of allowing qualified resort areas to be  
722 established. The notice shall contain a statement of the question



723 to be voted on at the election. The ballots used in the election  
724 shall have the following words printed thereon: "FOR THE  
725 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,  
726 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In  
727 marking his ballot, the voter shall make a cross (X) opposite the  
728 words of his choice.

729 (c) The municipality may be established as a qualified  
730 resort area if a majority of the qualified electors voting in the  
731 election vote for such establishment. A qualified resort area may  
732 not be established if a majority of the qualified electors voting  
733 in the election vote against such establishment.

734 (3) (a) Before an area may be designated a qualified resort  
735 area as defined in Section 67-1-5(o)(iii)7, an election shall be  
736 held in the municipality in which the area is located under the  
737 election laws applicable to the municipality, on the question of  
738 whether the area shall be a qualified resort area. An election to  
739 determine whether the area shall be a qualified resort area shall  
740 be ordered by the municipal governing authorities, upon  
741 presentation to the governing authorities of a petition containing  
742 the names of at least twenty percent (20%) of the duly qualified  
743 voters of the municipality asking for the election. An election  
744 on the question may not be held by the municipality more often  
745 than once each year.

746 (b) Thirty (30) days' notice shall be given to the  
747 qualified electors of the municipality, in the manner prescribed



by law, on the question of allowing qualified resort areas to be established. The notice shall contain a statement of the question to be voted on at the election. The ballots used in the election shall have the following words printed thereon: "FOR THE ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below, "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In marking his ballot, the voter shall make a cross (X) opposite the words of his choice.

(c) The area may be established as a qualified resort area if a majority of the qualified electors voting in the election vote for such establishment. A qualified resort area may not be established if a majority of the qualified electors voting in the election vote against such establishment.

(4) (a) Before an area may be designated a qualified resort area as defined in Section 67-1-5(o)(iii)8, an election shall be held in the area described in Section 67-1-5(o)(iii)8 under the election laws applicable to counties, on the question of whether the area shall be a qualified resort area. An election to determine whether the area shall be a qualified resort area shall be ordered by the board of supervisors, upon presentation to the board of a petition containing the names of at least twenty percent (20%) of the duly qualified voters of the area described in Section 67-1-5(o)(iii)8 asking for the election. An election on the question may not be held by the county more often than once each year.



773           (b) Thirty (30) days' notice shall be given to the  
774 qualified electors of the area, in the manner prescribed by law,  
775 on the question of allowing qualified resort areas to be  
776 established. The notice shall contain a statement of the question  
777 to be voted on at the election. The ballots used in the election  
778 shall have the following words printed thereon: "FOR THE  
779 ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below,  
780 "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In  
781 marking his ballot, the voter shall make a cross (X) opposite the  
782 words of his choice.

783           (c) The area may be established as a qualified resort  
784 area if a majority of the qualified electors voting in the  
785 election vote for such establishment. A qualified resort area may  
786 not be established if a majority of the qualified electors voting  
787 in the election vote against such establishment.

788           **SECTION 10.** Section 67-1-17, Mississippi Code of 1972, is  
789 brought forward as follows:

790           67-1-17. (1) It shall be unlawful for any person to have or  
791 possess either alcoholic beverages or personal property intended  
792 for use in violating the provisions of this chapter, or  
793 regulations prescribed under this chapter, or Chapter 31 of Title  
794 97, Mississippi Code of 1972. No property rights shall exist in  
795 any such personal property or alcoholic beverages. All such  
796 personal property and alcoholic beverages shall be considered





797 contraband and shall be seized and forfeited to the State of  
798 Mississippi.

799 (2) The following are subject to forfeiture:

800 (a) All alcoholic beverages which have been  
801 manufactured, distilled, distributed, dispensed or acquired in  
802 violation of this chapter or Chapter 31 of Title 97, Mississippi  
803 Code of 1972;

804 (b) All raw materials, products and equipment of any  
805 kind which are used, or intended for use, in manufacturing,  
806 compounding, processing, delivering, importing or exporting any  
807 alcoholic beverage in violation of this chapter or Chapter 31 of  
808 Title 97, Mississippi Code of 1972;

809 (c) All property which is used, or intended for use, as  
810 a container for property described in items (a) or (b) of this  
811 subsection;

812 (d) All conveyances, including aircraft, vehicles or  
813 vessels, which are used, or intended for use, to transport, or in  
814 any manner to facilitate the transportation, for the purpose of  
815 sale or receipt, possession or concealment, of property described  
816 in item (a) of this subsection which is in excess of six (6)  
817 gallons or of property described in item (b) of this subsection;  
818 however,

819 (i) No conveyance used by any person as a common  
820 carrier in the transaction of business as a common carrier is  
821 subject to forfeiture under this section unless it appears that



the owner or other person in charge of the conveyance is a  
consenting party or privy to a violation of this chapter or  
Chapter 31 of Title 97, Mississippi Code of 1972;

(ii) No conveyance is subject to forfeiture under  
this section by reason of any act or omission proved by the owner  
thereof to have been committed or omitted without his knowledge or  
consent; if the confiscating authority has reason to believe that  
the conveyance is a leased or rented conveyance, then the  
confiscating authority shall notify the owner of the conveyance  
within five (5) days of the confiscation; and

(iii) A forfeiture of a conveyance encumbered by a  
bona fide security interest is subject to the interest of the  
secured party if he neither had knowledge of nor consented to the  
act or omission;

(e) All money, deadly weapons, books, records and  
research products and materials, including formulas, microfilm,  
tapes and data which are used, or intended for use, in violation  
of this chapter or Chapter 31 of Title 97, Mississippi Code of  
1972.

(3) Property subject to forfeiture may be seized by the  
Alcoholic Beverage Control Division and its agents, local law  
enforcement officers, Mississippi Highway Patrol officers and  
other law enforcement personnel charged by Section 67-1-91, with  
enforcing the provisions of this chapter upon process issued by



any appropriate court having jurisdiction over the property.

Seizure without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an administrative inspection under Section 67-1-37(k);

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter or Chapter 31 of Article 97, Mississippi Code of 1972; or

(c) The Alcoholic Beverage Control Division of the State Tax Commission and other law enforcement personnel described in this subsection have probable cause to believe that the property was used or is intended to be used in violation of this chapter or Chapter 31 of Article 97, Mississippi Code of 1972.

(4) Alcoholic beverages and raw materials seized or detained under the authority of this chapter or Chapter 31 of Title 97, Mississippi Code of 1972, is deemed to be in the custody of the agent or agency so seizing the property and subject only to the orders and decrees of the court having jurisdiction over the property. When such property is seized it may be retained as evidence until final disposition of the cause in which such property is involved, and then the agent or agency so seizing the property shall physically transfer such alcoholic beverage or raw material to the Director of the Alcoholic Beverage Control Division of the State Tax Commission together with an appropriate



871 inventory of the items seized. Alcoholic beverages and raw  
872 materials seized or detained under the authority of this section  
873 shall be disposed of in accordance with the provisions of Section  
874 67-1-18.

875 (5) Any property other than alcoholic beverages and raw  
876 materials seized or detained pursuant to this chapter or Chapter  
877 31 of Title 97, Mississippi Code of 1972, shall be deemed to be in  
878 the custody of the agent or agency so seizing the property and  
879 subject only to the orders and decrees of the court having  
880 jurisdiction over the property. When such property is seized it  
881 may be retained as evidence until the final disposition of the  
882 cause in which such property is involved. Property seized or  
883 detained other than alcoholic beverages or raw materials shall be  
884 disposed of in accordance with the provisions of Sections 67-1-93,  
885 67-1-95 and 67-1-97.

886 **SECTION 11.** Section 67-1-37, Mississippi Code of 1972, is  
887 brought forward as follows:

888 67-1-37. (1) The Department of Revenue, under its duties  
889 and powers with respect to the Alcoholic Beverage Control Division  
890 therein, shall have the following powers, functions and duties:

891 (a) To issue or refuse to issue any permit provided for  
892 by this chapter, or to extend the permit or remit in whole or any  
893 part of the permit monies when the permit cannot be used due to a  
894 natural disaster or act of God.



895           (b) To revoke, suspend or cancel, for violation of or  
896 noncompliance with the provisions of this chapter, or the law  
897 governing the production and sale of native wines, or any lawful  
898 rules and regulations of the department issued hereunder, or for  
899 other sufficient cause, any permit issued by it under the  
900 provisions of this chapter. The department shall also be  
901 authorized to suspend the permit of any permit holder for being  
902 out of compliance with an order for support, as defined in Section  
903 93-11-153. The procedure for suspension of a permit for being out  
904 of compliance with an order for support, and the procedure for the  
905 reissuance or reinstatement of a permit suspended for that  
906 purpose, and the payment of any fees for the reissuance or  
907 reinstatement of a permit suspended for that purpose, shall be  
908 governed by Section 93-11-157 or Section 93-11-163, as the case  
909 may be. If there is any conflict between any provision of Section  
910 93-11-157 or Section 93-11-163 and any provision of this chapter,  
911 the provisions of Section 93-11-157 or Section 93-11-163, as the  
912 case may be, shall control.

913           (c) To prescribe forms of permits and applications for  
914 permits and of all reports which it deems necessary in  
915 administering this chapter.

916           (d) To fix standards, not in conflict with those  
917 prescribed by any law of this state or of the United States, to  
918 secure the use of proper ingredients and methods of manufacture of  
919 alcoholic beverages.



920           (e) To issue rules regulating the advertising of  
921 alcoholic beverages in the state in any class of media and  
922 permitting advertising of the retail price of alcoholic beverages.

923           (f) To issue reasonable rules and regulations, not  
924 inconsistent with the federal laws or regulations, requiring  
925 informative labeling of all alcoholic beverages offered for sale  
926 within this state and providing for the standards of fill and  
927 shapes of retail containers of alcoholic beverages; however, such  
928 containers shall not contain less than fifty (50) milliliters by  
929 liquid measure.

930           (g) Subject to the provisions of subsection (3) of  
931 Section 67-1-51, to issue rules and regulations governing the  
932 issuance of retail permits for premises located near or around  
933 schools, colleges, universities, churches and other public  
934 institutions, and specifying the distances therefrom within which  
935 no such permit shall be issued. The Alcoholic Beverage Control  
936 Division shall not issue a package retailer's or on-premises  
937 retailer's permit for the sale or consumption of alcoholic  
938 beverages in or on the campus of any public school, community or  
939 junior college, college or university.

940           (h) To adopt and promulgate, repeal and amend, such  
941 rules, regulations, standards, requirements and orders, not  
942 inconsistent with this chapter or any law of this state or of the  
943 United States, as it deems necessary to control the manufacture,  
944 importation, transportation, distribution and sale of alcoholic



945 liquor, whether intended for beverage or nonbeverage use in a  
946 manner not inconsistent with the provisions of this chapter or any  
947 other statute, including the native wine laws.

948 (i) To call upon other administrative departments of  
949 the state, county and municipal governments, county and city  
950 police departments and upon prosecuting officers for such  
951 information and assistance as it may deem necessary in the  
952 performance of its duties.

953 (j) To prepare and submit to the Governor during the  
954 month of January of each year a detailed report of its official  
955 acts during the preceding fiscal year ending June 30, including  
956 such recommendations as it may see fit to make, and to transmit a  
957 like report to each member of the Legislature of this state upon  
958 the convening thereof at its next regular session.

959 (k) To inspect, or cause to be inspected, any premises  
960 where alcoholic liquors intended for sale are manufactured,  
961 stored, distributed or sold, and to examine or cause to be  
962 examined all books and records pertaining to the business  
963 conducted therein.

964 (l) To investigate the administration of laws in  
965 relation to alcoholic liquors in this and other states and any  
966 foreign countries, and to recommend from time to time to the  
967 Governor and through him to the Legislature of this state such  
968 amendments to this chapter, if any, as it may think desirable.



969                   (m) To designate hours and days when alcoholic  
970 beverages may be sold in different localities in the state which  
971 permit such sale.

972                   (n) To assign employees to posts of duty at locations  
973 where they will be most beneficial for the control of alcoholic  
974 beverages and to take any other action concerning persons employed  
975 under this chapter as authorized by law and taken in accordance  
976 with the rules, regulations and procedures of the State Personnel  
977 Board.

978                   (o) To enforce the provisions made unlawful by Chapter  
979 3, Title 67 and Section 97-5-49.

980                   (p) To delegate its authority under this chapter to the  
981 Alcoholic Beverage Control Division, its director or any other  
982 officer or employee of the department that it deems appropriate.

983                   (2) No alcoholic beverage shall be sold or consumed at any  
984 public athletic event at any public school, community or junior  
985 college, college or university.

986                   **SECTION 12.** Section 67-1-41, Mississippi Code of 1972, is  
987 brought forward as follows:

988                   67-1-41. (1) The department is hereby created a wholesale  
989 distributor and seller of alcoholic beverages, not including malt  
990 liquors, within the State of Mississippi. It is granted the sole  
991 right to import and sell intoxicating liquors at wholesale within  
992 the state, and no person who is granted the right to sell,  
993 distribute or receive intoxicating liquors at retail shall





994 purchase any intoxicating liquors from any source other than the  
995 department except as authorized in subsections (4) and (9). The  
996 department may establish warehouses, purchase intoxicating liquors  
997 in such quantities and from such sources as it may deem desirable  
998 and sell the intoxicating liquors to authorized permittees within  
999 the state including, at the discretion of the department, any  
1000 retail distributors operating within any military post or  
1001 qualified resort areas within the boundaries of the state, keeping  
1002 a correct and accurate record of all such transactions and  
1003 exercising such control over the distribution of alcoholic  
1004 beverages as seem right and proper in keeping with the provisions  
1005 or purposes of this chapter.

1006 (2) No person for the purpose of sale shall manufacture,  
1007 distill, brew, sell, possess, export, transport, distribute,  
1008 warehouse, store, solicit, take orders for, bottle, rectify,  
1009 blend, treat, mix or process any alcoholic beverage except in  
1010 accordance with authority granted under this chapter, or as  
1011 otherwise provided by law for native wines.

1012 (3) No alcoholic beverage intended for sale or resale shall  
1013 be imported, shipped or brought into this state for delivery to  
1014 any person other than as provided in this chapter, or as otherwise  
1015 provided by law for native wines.

1016 (4) The department may promulgate rules and regulations  
1017 which authorize on-premises retailers to purchase limited amounts  
1018 of alcoholic beverages from package retailers and for package



1019 retailers to purchase limited amounts of alcoholic beverages from  
1020 other package retailers. The department shall develop and provide  
1021 forms to be completed by the on-premises retailers and the package  
1022 retailers verifying the transaction. The completed forms shall be  
1023 forwarded to the department within a period of time prescribed by  
1024 the department.

1025 (5) The department may promulgate rules which authorize the  
1026 holder of a package retailer's permit to permit individual retail  
1027 purchasers of packages of alcoholic beverages to return, for  
1028 exchange, credit or refund, limited amounts of original sealed and  
1029 unopened packages of alcoholic beverages purchased by the  
1030 individual from the package retailer.

1031 (6) The department shall maintain all forms to be completed  
1032 by applicants necessary for licensure by the department at all  
1033 district offices of the department.

1034 (7) The department may promulgate rules which authorize the  
1035 manufacturer of an alcoholic beverage or wine to import, transport  
1036 and furnish or give a sample of alcoholic beverages or wines to  
1037 the holders of package retailer's permits, on-premises retailer's  
1038 permits, native wine retailer's permits and temporary retailer's  
1039 permits who have not previously purchased the brand of that  
1040 manufacturer from the department. For each holder of the  
1041 designated permits, the manufacturer may furnish not more than  
1042 five hundred (500) milliliters of any brand of alcoholic beverage  
1043 and not more than three (3) liters of any brand of wine.



1044           (8) The department may promulgate rules disallowing open  
1045 product sampling of alcoholic beverages or wines by the holders of  
1046 package retailer's permits and permitting open product sampling of  
1047 alcoholic beverages by the holders of on-premises retailer's  
1048 permits. Permitted sample products shall be plainly identified  
1049 "sample" and the actual sampling must occur in the presence of the  
1050 manufacturer's representatives during the legal operating hours of  
1051 on-premises retailers.

1052           (9) The department may promulgate rules and regulations that  
1053 authorize the holder of a research permit to import and purchase  
1054 limited amounts of alcoholic beverages from importers, wineries  
1055 and distillers of alcoholic beverages or from the department. The  
1056 department shall develop and provide forms to be completed by the  
1057 research permittee verifying each transaction. The completed  
1058 forms shall be forwarded to the department within a period of time  
1059 prescribed by the department. The records and inventory of  
1060 alcoholic beverages shall be open to inspection at any time by the  
1061 Director of the Alcoholic Beverage Control Division or any duly  
1062 authorized agent.

1063           (10) This section shall not apply to alcoholic beverages  
1064 authorized to be sold by the holder of a distillery retailer's  
1065 permit.

1066           **SECTION 13.** Section 67-1-51, Mississippi Code of 1972, is  
1067 brought forward as follows:



1068           67-1-51. (1) Permits which may be issued by the department  
1069 shall be as follows:

1070           (a) **Manufacturer's permit.** A manufacturer's permit  
1071 shall permit the manufacture, importation in bulk, bottling and  
1072 storage of alcoholic liquor and its distribution and sale to  
1073 manufacturers holding permits under this chapter in this state and  
1074 to persons outside the state who are authorized by law to purchase  
1075 the same, and to sell exclusively to the department.

1076           Manufacturer's permits shall be of the following classes:

1077           Class 1. Distiller's and/or rectifier's permit, which shall  
1078 authorize the holder thereof to operate a distillery for the  
1079 production of distilled spirits by distillation or redistillation  
1080 and/or to operate a rectifying plant for the purifying, refining,  
1081 mixing, blending, flavoring or reducing in proof of distilled  
1082 spirits and alcohol.

1083           Class 2. Wine manufacturer's permit, which shall authorize  
1084 the holder thereof to manufacture, import in bulk, bottle and  
1085 store wine or vinous liquor.

1086           Class 3. Native wine producer's permit, which shall  
1087 authorize the holder thereof to produce, bottle, store and sell  
1088 native wines.

1089           (b) **Package retailer's permit.** Except as otherwise  
1090 provided in this paragraph and Section 67-1-52, a package  
1091 retailer's permit shall authorize the holder thereof to operate a  
1092 store exclusively for the sale at retail in original sealed and



1093 unopened packages of alcoholic beverages, including native wines,  
1094 not to be consumed on the premises where sold. Alcoholic  
1095 beverages shall not be sold by any retailer in any package or  
1096 container containing less than fifty (50) milliliters by liquid  
1097 measure. A package retailer's permit, with prior approval from  
1098 the department, shall authorize the holder thereof to sample new  
1099 product furnished by a manufacturer's representative or his  
1100 employees at the permitted place of business so long as the  
1101 sampling otherwise complies with this chapter and applicable  
1102 department regulations. Such samples may not be provided to  
1103 customers at the permitted place of business. In addition to the  
1104 sale at retail of packages of alcoholic beverages, the holder of a  
1105 package retailer's permit is authorized to sell at retail  
1106 corkscrews, wine glasses, soft drinks, ice, juices, mixers and  
1107 other beverages commonly used to mix with alcoholic beverages.  
1108 Nonalcoholic beverages sold by the holder of a package retailer's  
1109 permit shall not be consumed on the premises where sold.

1110 (c) **On-premises retailer's permit.** Except as otherwise  
1111 provided in subsection (5) of this section, an on-premises  
1112 retailer's permit shall authorize the sale of alcoholic beverages,  
1113 including native wines, for consumption on the licensed premises  
1114 only; however, a patron of the permit holder may remove one (1)  
1115 bottle of wine from the licensed premises if: (i) the patron  
1116 consumed a portion of the bottle of wine in the course of  
1117 consuming a meal purchased on the licensed premises; (ii) the



1118 permit holder securely reseals the bottle; (iii) the bottle is  
1119 placed in a bag that is secured in a manner so that it will be  
1120 visibly apparent if the bag is opened; and (iv) a dated receipt  
1121 for the wine and the meal is available. Such a permit shall be  
1122 issued only to qualified hotels, restaurants and clubs, and to  
1123 common carriers with adequate facilities for serving passengers.  
1124 In resort areas, whether inside or outside of a municipality, the  
1125 department, in its discretion, may issue on-premises retailer's  
1126 permits to such establishments as it deems proper. An on-premises  
1127 retailer's permit when issued to a common carrier shall authorize  
1128 the sale and serving of alcoholic beverages aboard any licensed  
1129 vehicle while moving through any county of the state; however, the  
1130 sale of such alcoholic beverages shall not be permitted while such  
1131 vehicle is stopped in a county that has not legalized such sales.  
1132 If an on-premises retailer's permit is applied for by a common  
1133 carrier operating solely in the water, such common carrier must,  
1134 along with all other qualifications for a permit, (i) be certified  
1135 to carry at least one hundred fifty (150) passengers and/or  
1136 provide overnight accommodations for at least fifty (50)  
1137 passengers and (ii) operate primarily in the waters within the  
1138 State of Mississippi which lie adjacent to the State of  
1139 Mississippi south of the three (3) most southern counties in the  
1140 State of Mississippi and/or on the Mississippi River or navigable  
1141 waters within any county bordering on the Mississippi River.



1142           (d) **Solicitor's permit.** A solicitor's permit shall  
1143 authorize the holder thereof to act as salesman for a manufacturer  
1144 or wholesaler holding a proper permit, to solicit on behalf of his  
1145 employer orders for alcoholic beverages, and to otherwise promote  
1146 his employer's products in a legitimate manner. Such a permit  
1147 shall authorize the representation of and employment by one (1)  
1148 principal only. However, the permittee may also, in the  
1149 discretion of the department, be issued additional permits to  
1150 represent other principals. No such permittee shall buy or sell  
1151 alcoholic beverages for his own account, and no such beverage  
1152 shall be brought into this state in pursuance of the exercise of  
1153 such permit otherwise than through a permit issued to a wholesaler  
1154 or manufacturer in the state.

1155           (e) **Native wine retailer's permit.** Except as otherwise  
1156 provided in subsection (5) of this section, a native wine  
1157 retailer's permit shall be issued only to a holder of a Class 3  
1158 manufacturer's permit, and shall authorize the holder thereof to  
1159 make retail sales of native wines to consumers for on-premises  
1160 consumption or to consumers in originally sealed and unopened  
1161 containers at an establishment located on the premises of or in  
1162 the immediate vicinity of a native winery.

1163           (f) **Temporary retailer's permit.** Except as otherwise  
1164 provided in subsection (5) of this section, a temporary retailer's  
1165 permit shall permit the purchase and resale of alcoholic



1166 beverages, including native wines, during legal hours on the  
1167 premises described in the temporary permit only.

1168 Temporary retailer's permits shall be of the following  
1169 classes:

1170 Class 1. A temporary one-day permit may be issued to bona  
1171 fide nonprofit civic or charitable organizations authorizing the  
1172 sale of alcoholic beverages, including native wine, for  
1173 consumption on the premises described in the temporary permit  
1174 only. Class 1 permits may be issued only to applicants  
1175 demonstrating to the department, by a statement signed under  
1176 penalty of perjury submitted ten (10) days prior to the proposed  
1177 date or such other time as the department may determine, that they  
1178 meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
1179 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
1180 Class 1 permittees shall obtain all alcoholic beverages from  
1181 package retailers located in the county in which the temporary  
1182 permit is issued. Alcoholic beverages remaining in stock upon  
1183 expiration of the temporary permit may be returned by the  
1184 permittee to the package retailer for a refund of the purchase  
1185 price upon consent of the package retailer or may be kept by the  
1186 permittee exclusively for personal use and consumption, subject to  
1187 all laws pertaining to the illegal sale and possession of  
1188 alcoholic beverages. The department, following review of the  
1189 statement provided by the applicant and the requirements of the  
1190 applicable statutes and regulations, may issue the permit.





1191           Class 2. A temporary permit, not to exceed seventy (70)  
1192 days, may be issued to prospective permittees seeking to transfer  
1193 a permit authorized in paragraph (c) of this subsection. A Class  
1194 2 permit may be issued only to applicants demonstrating to the  
1195 department, by a statement signed under the penalty of perjury,  
1196 that they meet the qualifications of Sections 67-1-5(1), (m), (n),  
1197 (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and  
1198 67-1-59. The department, following a preliminary review of the  
1199 statement provided by the applicant and the requirements of the  
1200 applicable statutes and regulations, may issue the permit.

1201           Class 2 temporary permittees must purchase their alcoholic  
1202 beverages directly from the department or, with approval of the  
1203 department, purchase the remaining stock of the previous  
1204 permittee. If the proposed applicant of a Class 1 or Class 2  
1205 temporary permit falsifies information contained in the  
1206 application or statement, the applicant shall never again be  
1207 eligible for a retail alcohol beverage permit and shall be subject  
1208 to prosecution for perjury.

1209           Class 3. A temporary one-day permit may be issued to a  
1210 retail establishment authorizing the complimentary distribution of  
1211 wine, including native wine, to patrons of the retail  
1212 establishment at an open house or promotional event, for  
1213 consumption only on the premises described in the temporary  
1214 permit. A Class 3 permit may be issued only to an applicant  
1215 demonstrating to the department, by a statement signed under



1216 penalty of perjury submitted ten (10) days before the proposed  
1217 date or such other time as the department may determine, that it  
1218 meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2)  
1219 and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59.  
1220 A Class 3 permit holder shall obtain all alcoholic beverages from  
1221 the holder(s) of a package retailer's permit located in the county  
1222 in which the temporary permit is issued. Wine remaining in stock  
1223 upon expiration of the temporary permit may be returned by the  
1224 Class 3 temporary permit holder to the package retailer for a  
1225 refund of the purchase price, with consent of the package  
1226 retailer, or may be kept by the Class 3 temporary permit holder  
1227 exclusively for personal use and consumption, subject to all laws  
1228 pertaining to the illegal sale and possession of alcoholic  
1229 beverages. The department, following review of the statement  
1230 provided by the applicant and the requirements of the applicable  
1231 statutes and regulations, may issue the permit. No retailer may  
1232 receive more than twelve (12) Class 3 temporary permits in a  
1233 calendar year. A Class 3 temporary permit shall not be issued to  
1234 a retail establishment that either holds a merchant permit issued  
1235 under paragraph (1) of this subsection, or holds a permit issued  
1236 under Chapter 3, Title 67, Mississippi Code of 1972, authorizing  
1237 the holder to engage in the business of a retailer of light wine  
1238 or beer.

1239           (g) **Caterer's permit.** A caterer's permit shall permit  
1240 the purchase of alcoholic beverages by a person engaging in



1241 business as a caterer and the resale of alcoholic beverages by  
1242 such person in conjunction with such catering business. No person  
1243 shall qualify as a caterer unless forty percent (40%) or more of  
1244 the revenue derived from such catering business shall be from the  
1245 serving of prepared food and not from the sale of alcoholic  
1246 beverages and unless such person has obtained a permit for such  
1247 business from the Department of Health. A caterer's permit shall  
1248 not authorize the sale of alcoholic beverages on the premises of  
1249 the person engaging in business as a caterer; however, the holder  
1250 of an on-premises retailer's permit may hold a caterer's permit.  
1251 When the holder of an on-premises retailer's permit or an  
1252 affiliated entity of the holder also holds a caterer's permit, the  
1253 caterer's permit shall not authorize the service of alcoholic  
1254 beverages on a consistent, recurring basis at a separate, fixed  
1255 location owned or operated by the caterer, on-premises retailer or  
1256 affiliated entity and an on-premises retailer's permit shall be  
1257 required for the separate location. All sales of alcoholic  
1258 beverages by holders of a caterer's permit shall be made at the  
1259 location being catered by the caterer, and, except as otherwise  
1260 provided in subsection (5) of this section, such sales may be made  
1261 only for consumption at the catered location. The location being  
1262 catered may be anywhere within a county or judicial district that  
1263 has voted to come out from under the dry laws or in which the  
1264 sale, distribution and possession of alcoholic beverages is  
1265 otherwise authorized by law. Such sales shall be made pursuant to



1266 any other conditions and restrictions which apply to sales made by  
1267 on-premises retail permittees. The holder of a caterer's permit  
1268 or his employees shall remain at the catered location as long as  
1269 alcoholic beverages are being sold pursuant to the permit issued  
1270 under this paragraph (g), and the permittee shall have at the  
1271 location the identification card issued by the Alcoholic Beverage  
1272 Control Division of the department. No unsold alcoholic beverages  
1273 may be left at the catered location by the permittee upon the  
1274 conclusion of his business at that location. Appropriate law  
1275 enforcement officers and Alcoholic Beverage Control Division  
1276 personnel may enter a catered location on private property in  
1277 order to enforce laws governing the sale or serving of alcoholic  
1278 beverages.

1279           (h) **Research permit.** A research permit shall authorize  
1280 the holder thereof to operate a research facility for the  
1281 professional research of alcoholic beverages. Such permit shall  
1282 authorize the holder of the permit to import and purchase limited  
1283 amounts of alcoholic beverages from the department or from  
1284 importers, wineries and distillers of alcoholic beverages for  
1285 professional research.

1286           (i) **Alcohol processing permit.** An alcohol processing  
1287 permit shall authorize the holder thereof to purchase, transport  
1288 and possess alcoholic beverages for the exclusive use in cooking,  
1289 processing or manufacturing products which contain alcoholic  
1290 beverages as an integral ingredient. An alcohol processing permit



1291 shall not authorize the sale of alcoholic beverages on the  
1292 premises of the person engaging in the business of cooking,  
1293 processing or manufacturing products which contain alcoholic  
1294 beverages. The amounts of alcoholic beverages allowed under an  
1295 alcohol processing permit shall be set by the department.

1296 (j) **Hospitality cart permit.** A hospitality cart permit  
1297 shall authorize the sale of alcoholic beverages from a mobile cart  
1298 on a golf course that is the holder of an on-premises retailer's  
1299 permit. The alcoholic beverages sold from the cart must be  
1300 consumed within the boundaries of the golf course.

1301 (k) **Special service permit.** A special service permit  
1302 shall authorize the holder to sell commercially sealed alcoholic  
1303 beverages to the operator of a commercial or private aircraft for  
1304 en route consumption only by passengers. A special service permit  
1305 shall be issued only to a fixed-base operator who contracts with  
1306 an airport facility to provide fueling and other associated  
1307 services to commercial and private aircraft.

1308 (l) **Merchant permit.** Except as otherwise provided in  
1309 subsection (5) of this section, a merchant permit shall be issued  
1310 only to the owner of a spa facility, an art studio or gallery, or  
1311 a cooking school, and shall authorize the holder to serve  
1312 complimentary by the glass wine only, including native wine, at  
1313 the holder's spa facility, art studio or gallery, or cooking  
1314 school. A merchant permit holder shall obtain all wine from the  
1315 holder of a package retailer's permit.



1316                   (m)   **Temporary alcoholic beverages charitable auction**  
1317 **permit.** A temporary permit, not to exceed five (5) days, may be  
1318 issued to a qualifying charitable nonprofit organization that is  
1319 exempt from taxation under Section 501(c)(3) or (4) of the  
1320 Internal Revenue Code of 1986. The permit shall authorize the  
1321 holder to sell alcoholic beverages for the limited purpose of  
1322 raising funds for the organization during a live or silent auction  
1323 that is conducted by the organization and that meets the following  
1324 requirements: (i) the auction is conducted in an area of the  
1325 state where the sale of alcoholic beverages is authorized; (ii) if  
1326 the auction is conducted on the premises of an on-premises  
1327 retailer's permit holder, then the alcoholic beverages to be  
1328 auctioned must be stored separately from the alcoholic beverages  
1329 sold, stored or served on the premises, must be removed from the  
1330 premises immediately following the auction, and may not be  
1331 consumed on the premises; (iii) the permit holder may not conduct  
1332 more than two (2) auctions during a calendar year; (iv) the permit  
1333 holder may not pay a commission or promotional fee to any person  
1334 to arrange or conduct the auction.

1335                   (n)   **Event venue retailer's permit.** An event venue  
1336 retailer's permit shall authorize the holder thereof to purchase  
1337 and resell alcoholic beverages, including native wines, for  
1338 consumption on the premises during legal hours during events held  
1339 on the licensed premises if food is being served at the event by a  
1340 caterer who is not affiliated with or related to the permittee.



1341 The caterer must serve at least three (3) entrees. The permit may  
1342 only be issued for venues that can accommodate two hundred (200)  
1343 persons or more. The number of persons a venue may accommodate  
1344 shall be determined by the local fire department and such  
1345 determination shall be provided in writing and submitted along  
1346 with all other documents required to be provided for an  
1347 on-premises retailer's permit. The permittee must derive the  
1348 majority of its revenue from event-related fees, including, but  
1349 not limited to, admission fees or ticket sales for live  
1350 entertainment in the building. "Event-related fees" do not  
1351 include alcohol, beer or light wine sales or any fee which may be  
1352 construed to cover the cost of alcohol, beer or light wine. This  
1353 determination shall be made on a per event basis. An event may  
1354 not last longer than two (2) consecutive days per week.

1355           (o) **Temporary theatre permit.** A temporary theatre  
1356 permit, not to exceed five (5) days, may be issued to a charitable  
1357 nonprofit organization that is exempt from taxation under Section  
1358 501(c)(3) or (4) of the Internal Revenue Code and owns or operates  
1359 a theatre facility that features plays and other theatrical  
1360 performances and productions. Except as otherwise provided in  
1361 subsection (5) of this section, the permit shall authorize the  
1362 holder to sell alcoholic beverages, including native wines, to  
1363 patrons of the theatre during performances and productions at the  
1364 theatre facility for consumption during such performances and  
1365 productions on the premises of the facility described in the



1366 permit. A temporary theatre permit holder shall obtain all  
1367 alcoholic beverages from package retailers located in the county  
1368 in which the permit is issued. Alcoholic beverages remaining in  
1369 stock upon expiration of the temporary theatre permit may be  
1370 returned by the permittee to the package retailer for a refund of  
1371 the purchase price upon consent of the package retailer or may be  
1372 kept by the permittee exclusively for personal use and  
1373 consumption, subject to all laws pertaining to the illegal sale  
1374 and possession of alcoholic beverages.

1375           (p) **Charter ship operator's permit.** Subject to the  
1376 provisions of this paragraph (p), a charter ship operator's permit  
1377 shall authorize the holder thereof and its employees to serve,  
1378 monitor, store and otherwise control the serving and availability  
1379 of alcoholic beverages to customers of the permit holder during  
1380 private charters under contract provided by the permit holder. A  
1381 charter ship operator's permit shall authorize such action by the  
1382 permit holder and its employees only as to alcoholic beverages  
1383 brought onto the permit holder's ship by customers of the permit  
1384 holder as part of such a private charter. All such alcoholic  
1385 beverages must be removed from the charter ship at the conclusion  
1386 of each private charter. A charter ship operator's permit shall  
1387 not authorize the permit holder to sell, charge for or otherwise  
1388 supply alcoholic beverages to customers, except as authorized in  
1389 this paragraph (p). For the purposes of this paragraph (p),  
1390 "charter ship operator" means a common carrier that (i) is





1391 certified to carry at least one hundred fifty (150) passengers  
1392 and/or provide overnight accommodations for at least fifty (50)  
1393 passengers, (ii) operates only in the waters within the State of  
1394 Mississippi, which lie adjacent to the State of Mississippi south  
1395 of the three (3) most southern counties in the State of  
1396 Mississippi, and (iii) provides charters under contract for tours  
1397 and trips in such waters.

1398           (q) **Distillery retailer's permit.** The holder of a  
1399 Class 1 manufacturer's permit may obtain a distillery retailer's  
1400 permit. A distillery retailer's permit shall authorize the holder  
1401 thereof to sell at retail alcoholic beverages by the sealed and  
1402 unopened bottle from a retail location at the distillery for  
1403 off-premises consumption. The holder may only sell products  
1404 manufactured by the manufacturer at the distillery described in  
1405 the permit. The holder shall not sell at retail more than ten  
1406 percent (10%) of the alcoholic beverages produced annually at its  
1407 distillery. The holder shall not make retail sales of more than  
1408 two and twenty-five one-hundredths (2.25) liters, in the  
1409 aggregate, of the alcoholic beverages produced at its distillery  
1410 to any one (1) individual for consumption off the premises of the  
1411 distillery within a twenty-four-hour period. The hours of sale  
1412 shall be the same as those hours for package retailers under this  
1413 chapter. The holder of a distillery retailer's permit is not  
1414 required to purchase the alcoholic beverages authorized to be sold  
1415 by this paragraph from the department's liquor distribution



1416 warehouse; however, if the holder does not purchase the alcoholic  
1417 beverages from the department's liquor distribution warehouse, the  
1418 holder shall pay to the department all taxes, fees and surcharges  
1419 on the alcoholic beverages that are imposed upon the sale of  
1420 alcoholic beverages shipped by the Alcoholic Beverage Control  
1421 Division of the Department of Revenue. In addition to alcoholic  
1422 beverages, the holder of a distillery retailer's permit may sell  
1423 at retail promotional products from the same retail location,  
1424 including shirts, hats, glasses, and other promotional products  
1425 customarily sold by alcoholic beverage manufacturers.

1426 (2) Except as otherwise provided in subsection (4) of this  
1427 section, retail permittees may hold more than one (1) retail  
1428 permit, at the discretion of the department.

1429 (3) Except as otherwise provided in this subsection, no  
1430 authority shall be granted to any person to manufacture, sell or  
1431 store for sale any intoxicating liquor as specified in this  
1432 chapter within four hundred (400) feet of any church, school,  
1433 kindergarten or funeral home. However, within an area zoned  
1434 commercial or business, such minimum distance shall be not less  
1435 than one hundred (100) feet.

1436 A church or funeral home may waive the distance restrictions  
1437 imposed in this subsection in favor of allowing issuance by the  
1438 department of a permit, pursuant to subsection (1) of this  
1439 section, to authorize activity relating to the manufacturing, sale  
1440 or storage of alcoholic beverages which would otherwise be



1441 prohibited under the minimum distance criterion. Such waiver  
1442 shall be in written form from the owner, the governing body, or  
1443 the appropriate officer of the church or funeral home having the  
1444 authority to execute such a waiver, and the waiver shall be filed  
1445 with and verified by the department before becoming effective.

1446       The distance restrictions imposed in this subsection shall  
1447 not apply to the sale or storage of alcoholic beverages at a bed  
1448 and breakfast inn listed in the National Register of Historic  
1449 Places or to the sale or storage of alcoholic beverages in a  
1450 historic district that is listed in the National Register of  
1451 Historic Places, is a qualified resort area and is located in a  
1452 municipality having a population greater than one hundred thousand  
1453 (100,000) according to the latest federal decennial census.

1454       (4) No person, either individually or as a member of a firm,  
1455 partnership, limited liability company or association, or as a  
1456 stockholder, officer or director in a corporation, shall own or  
1457 control any interest in more than one (1) package retailer's  
1458 permit, nor shall such person's spouse, if living in the same  
1459 household of such person, any relative of such person, if living  
1460 in the same household of such person, or any other person living  
1461 in the same household with such person own any interest in any  
1462 other package retailer's permit.

1463       (5) (a) In addition to any other authority granted under  
1464 this section, the holder of a permit issued under subsection  
1465 (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may



1466 sell or otherwise provide alcoholic beverages and/or wine to a  
1467 patron of the permit holder in the manner authorized in the permit  
1468 and the patron may remove an open glass, cup or other container of  
1469 the alcoholic beverage and/or wine from the licensed premises and  
1470 may possess and consume the alcoholic beverage or wine outside of  
1471 the licensed premises if: (i) the licensed premises is located  
1472 within a leisure and recreation district created under Section  
1473 67-1-101 and (ii) the patron remains within the boundaries of the  
1474 leisure and recreation district while in possession of the  
1475 alcoholic beverage or wine.

1476 (b) Nothing in this subsection shall be construed to  
1477 allow a person to bring any alcoholic beverages into a permitted  
1478 premises except to the extent otherwise authorized by this  
1479 chapter.

1480 **SECTION 14.** Section 67-1-57, Mississippi Code of 1972, is  
1481 brought forward as follows:

1482 67-1-57. Before a permit is issued the department shall  
1483 satisfy itself:

1484 (a) That the applicant, if an individual, or if a  
1485 partnership, each of the members of the partnership, or if a  
1486 corporation, each of its principal officers and directors, or if a  
1487 limited liability company, each member of the limited liability  
1488 company, is of good moral character and, in addition, enjoys a  
1489 reputation of being a peaceable, law-abiding citizen of the  
1490 community in which he resides, and is generally fit for the trust



1491 to be reposed in him, is not less than twenty-one (21) years of  
1492 age, and has not been convicted of a felony in any state or  
1493 federal court.

1494 (b) That, except in the case of an application for a  
1495 solicitor's permit, the applicant is the true and actual owner of  
1496 the business for which the permit is desired, and that he intends  
1497 to carry on the business authorized for himself and not as the  
1498 agent of any other person, and that he intends to superintend in  
1499 person the management of the business or that he will designate a  
1500 manager to manage the business for him. All managers must be  
1501 approved by the department prior to completing any managerial  
1502 tasks on behalf of the permittee and must possess all of the  
1503 qualifications required of a permittee; however, a felony  
1504 conviction, other than a crime of violence, does not automatically  
1505 disqualify a person from being approved as a manager if the person  
1506 was released from incarceration at least three (3) years prior to  
1507 application for approval as a manager. A felony conviction, other  
1508 than a crime of violence, may be considered by the department in  
1509 determining whether all other qualifications are met.

1510 (c) That the applicant for a package retailer's permit,  
1511 if an individual, is a resident of the State of Mississippi. If  
1512 the applicant is a partnership, each member of the partnership  
1513 must be a resident of the state. If the applicant is a limited  
1514 liability company, each member of the limited liability company  
1515 must be a resident of the state. If the applicant is a



1516 corporation, the designated manager of the corporation must be a  
1517 resident of the state.

1518 (d) That the place for which the permit is to be issued  
1519 is an appropriate one considering the character of the premises  
1520 and the surrounding neighborhood.

1521 (e) That the place for which the permit is to be issued  
1522 is within the corporate limits of an incorporated municipality or  
1523 qualified resort area or club which comes within the provisions of  
1524 this chapter.

1525 (f) That the applicant is not indebted to the state for  
1526 any taxes, fees or payment of penalties imposed by any law of the  
1527 State of Mississippi or by any rule or regulation of the  
1528 commission.

1529 (g) That the applicant is not in the habit of using  
1530 alcoholic beverages to excess and is not physically or mentally  
1531 incapacitated, and that the applicant has the ability to read and  
1532 write the English language.

1533 (h) That the commission does not believe and has no  
1534 reason to believe that the applicant will sell or knowingly permit  
1535 any agent, servant or employee to unlawfully sell liquor in a dry  
1536 area or in any other manner contrary to law.

1537 (i) That the applicant is not residentially domiciled  
1538 with any person whose permit or license has been cancelled for  
1539 cause within the twelve (12) months next preceding the date of the  
1540 present application for a permit.



1541           (j) That the commission has not, in the exercise of its  
1542 discretion which is reserved and preserved to it, refused to grant  
1543 permits under the restrictions of this section, as well as under  
1544 any other pertinent provision of this chapter.

1545           (k) That there are not sufficient legal reasons to deny  
1546 a permit on the ground that the premises for which the permit is  
1547 sought has previously been operated, used or frequented for any  
1548 purpose or in any manner that is lewd, immoral or offensive to  
1549 public decency. In the granting or withholding of any permit to  
1550 sell alcoholic beverages at retail, the commission in forming its  
1551 conclusions may give consideration to any recommendations made in  
1552 writing by the district or county attorney or county, circuit or  
1553 chancery judge of the county, or the sheriff of the county, or the  
1554 mayor or chief of police of an incorporated city or town wherein  
1555 the applicant proposes to conduct his business and to any  
1556 recommendations made by representatives of the commission.

1557           (l) That the applicant and the applicant's key  
1558 employees, as determined by the commission, do not have a  
1559 disqualifying criminal record. In order to obtain a criminal  
1560 record history check, the applicant shall submit to the commission  
1561 a set of fingerprints from any local law enforcement agency for  
1562 each person for whom the records check is required. The  
1563 commission shall forward the fingerprints to the Mississippi  
1564 Department of Public Safety. If no disqualifying record is  
1565 identified at the state level, the Department of Public Safety



1566 shall forward the fingerprints to the Federal Bureau of  
1567 Investigation for a national criminal history record check. Costs  
1568 for processing the set or sets of fingerprints shall be borne by  
1569 the applicant. The commission shall not deny employment to an  
1570 employee of the applicant prior to the identification of a  
1571 disqualifying record or other disqualifying information.

1572       **SECTION 15.** Section 67-1-65, Mississippi Code of 1972, is  
1573 brought forward as follows:

1574       67-1-65. In any county having heretofore voted, or which  
1575 hereafter votes, to come out from under the prohibition law, in  
1576 which there is not located an incorporated municipality within  
1577 such county, the State Tax Commission may issue package retailer's  
1578 permits in such county.

1579       **SECTION 16.** Section 67-1-72, Mississippi Code of 1972, is  
1580 brought forward as follows:

1581       67-1-72. (1) Except as otherwise provided in this chapter,  
1582 any applicant or holder of a permit issued under this chapter  
1583 which is aggrieved by an action of the Department of Revenue to  
1584 deny his application for a permit, to deny the renewal of his  
1585 permit or to revoke or suspend his permit shall be allowed to  
1586 appeal to the Board of Tax Appeals from this action. This appeal  
1587 is to be filed by the aggrieved person with the Executive Director  
1588 of the Board of Tax Appeals, with a copy being sent to the  
1589 Department of Revenue, within fifteen (15) days from the date that  
1590 person received notice of the action of the department being





1591 aggrieved. If the person aggrieved fails to appeal within this  
1592 fifteen-day period, the action of the Department of Revenue shall  
1593 take effect as set out in the notice. The Department of Revenue  
1594 retains the authority to change at any time the action aggrieved  
1595 to in an appeal under this subsection. The applicant or holder of  
1596 any permit issued under this chapter may waive his right to notice  
1597 and opportunity to a hearing as provided by this subsection and  
1598 agree to the action being taken by the department. The inability  
1599 of the Department of Revenue to issue or renew a permit due to an  
1600 incomplete application or due to the failure of the applicant to  
1601 pay the annual privilege taxes and fees provided by Section  
1602 27-71-5 and/or the failure of the applicant to post or deposit the  
1603 bond, cash or securities as required by Section 27-71-21 shall not  
1604 constitute a denial for purposes of this subsection.

1605       (2) Any applicant for approval as a manager of an  
1606 establishment operating under a permit issued under this chapter  
1607 or who holds the designation of an approved manager of an  
1608 establishment operating under a permit issued under this chapter  
1609 and who is aggrieved by an action of the Department of Revenue to  
1610 deny his application for approval as a manager or to revoke or  
1611 suspend his designation as an approved manager shall be allowed to  
1612 appeal to the Board of Tax Appeals from this action. This appeal  
1613 is to be filed by the aggrieved person with the Executive Director  
1614 of the Board of Tax Appeals, with a copy being sent to the  
1615 Department of Revenue, within fifteen (15) days from the date that



1616 person received notice of the action of the department being  
1617 aggrieved. If the person aggrieved fails to appeal within this  
1618 fifteen-day period, the action of the Department of Revenue shall  
1619 take effect as set out in the notice. The Department of Revenue  
1620 retains the authority to change at any time the action aggrieved  
1621 to in an appeal under this subsection. The applicant or holder of  
1622 an approved manager designation may waive his right to notice and  
1623 opportunity to a hearing as provided by this subsection and agree  
1624 to the action being taken by the department. The inability of the  
1625 Department of Revenue to consider an application for approval of  
1626 an applicant as a manager due to an incomplete application shall  
1627 not constitute a denial of the application for purposes of this  
1628 subsection.

1629 (3) Any applicant for approval of an area or locality as a  
1630 qualified resort area under this chapter who is aggrieved by the  
1631 decision of the Department of Revenue to deny the qualified resort  
1632 area as requested and any county or municipality wherein the  
1633 proposed qualified resort area is located may appeal to the Board  
1634 of Tax Appeals from such decision. This appeal is to be filed by  
1635 the aggrieved applicant or by the affected county or municipality  
1636 with the Executive Director of the Board of Tax Appeals, with a  
1637 copy being sent to the Department of Revenue, within fifteen (15)  
1638 days from the date that the person or entity filing the appeal  
1639 received notice of the decision of the Department of Revenue to  
1640 deny the qualified resort area. If an appeal is not filed within



1641 this fifteen-day period, the decision of the Department of Revenue  
1642 shall become final. The Department of Revenue retains the  
1643 authority to change at any time the decision aggrieved to in an  
1644 appeal under this subsection. The inability of the Department of  
1645 Revenue to consider an application for the approval of an area or  
1646 locality as a qualified resort area due to an incomplete  
1647 application shall not constitute a denial of that application for  
1648 purposes of this subsection.

1649 (4) Any person, including any county or municipality in  
1650 which the qualified resort area is located, who is aggrieved by  
1651 the decision of the Department of Revenue to revoke the approval  
1652 of an area or locality as a qualified resort area may appeal to  
1653 the Board of Tax Appeals from such decision. This appeal is to be  
1654 filed by the aggrieved person with the Executive Director of the  
1655 Board of Tax Appeals, with a copy being sent to the Department of  
1656 Revenue, within fifteen (15) days from the date that the person or  
1657 entity filing the appeal received notice of the decision of the  
1658 department to revoke approval of the qualified resort area. At  
1659 the discretion of the Department of Revenue, in addition to any  
1660 other notice to be provided under this subsection, the department  
1661 may provide notice of its decision to revoke approval of the  
1662 qualified resort area by publication in the same manner as  
1663 provided by regulation when approval of a qualified resort area is  
1664 sought. In regard to such publication, the fifteen-day period  
1665 provided herein will begin on the date that notice is first



1666 published. If an appeal is not filed within this fifteen-day  
1667 period, the decision of the Department of Revenue shall become  
1668 final. The Department of Revenue retains the authority to change  
1669 at any time the decision aggrieved to in an appeal under this  
1670 subsection.

1671 (5) Any person objecting to an application for the issuance  
1672 or transfer of a permit, other than a temporary retailer's permit,  
1673 issued under this chapter and who timely requests in writing a  
1674 hearing on his objection shall be given a hearing before the Board  
1675 of Tax Appeals unless the permit is denied by the Department of  
1676 Revenue and an appeal is not taken by the applicant to the Board  
1677 of Tax Appeals from that denial or the applicant withdraws his  
1678 application. Any written request for a hearing on an objection  
1679 must be filed with the Department of Revenue within fifteen (15)  
1680 days from the first date of publication of the notice of such  
1681 application under Section 67-1-53. If the department determines  
1682 that the permit should be denied, notice will be provided to the  
1683 applicant as set out in subsection (1) of this section, and if the  
1684 applicant timely requests a hearing on the denial as provided by  
1685 this subsection (5), the department will advise the Executive  
1686 Director of the Board of Tax Appeals and the applicant of the  
1687 written request for a hearing on an objection to the permit. The  
1688 hearing on the objection to the permit and the hearing on the  
1689 appeal by the applicant from the denial of the department of the  
1690 application shall be consolidated and heard by the Board of Tax



1691 Appeals at the same time. If the department determines that the  
1692 permit should be issued, the department will advise the applicant  
1693 and the Executive Director of the Board of Tax Appeals of the  
1694 timely written request for a hearing on an objection to the  
1695 application and a hearing will be set before the Board of Tax  
1696 Appeals on this objection. If prior to the hearing, either the  
1697 person requesting the hearing withdraws his request or the  
1698 applicant withdraws his application, the hearing will be cancelled  
1699 and the objection proceedings before the Board of Tax Appeals on  
1700 the application will be dismissed as moot. In the case of such  
1701 withdrawals, the Board of Tax Appeals is authorized to assess to  
1702 either or both parties any costs incurred by it prior to such  
1703 withdrawal. The Department of Revenue retains authority to issue  
1704 the permit to the applicant where the person objecting to the  
1705 application withdraws his request for a hearing.

1706 (6) Any person objecting to an application for approval by  
1707 the Department of Revenue of a area or locality as a qualified  
1708 resort area under this chapter and who timely requests in writing  
1709 a hearing on his objection shall be given a hearing before the  
1710 Board of Tax Appeals unless approval of the application is denied  
1711 by the Department of Revenue and an appeal is not taken by the  
1712 applicant or the county or municipality in which the proposed  
1713 qualified resort area is located to the Board of Tax Appeals from  
1714 that denial or the applicant withdraws his application. Any  
1715 written request for a hearing on an objection must be filed with



1716 the Department of Revenue within fifteen (15) days from the first  
1717 date of publication of the notice of such application as provided  
1718 by regulation. If the department determines that the application  
1719 for approval of the proposed area or locality as a qualified  
1720 resort area should be denied, the department will proceed with  
1721 denial of such application as set out in subsection (3) of this  
1722 section, and if the applicant or the county or municipality in  
1723 which the proposed qualified resort area is located timely  
1724 requests a hearing on the denial as provided by subsection (3) of  
1725 this section, the department will advise the Executive Director of  
1726 the Board of Tax Appeals and the applicant of the written request  
1727 for a hearing on an objection to the application. The hearing on  
1728 the objection to approval of the proposed qualified resort area  
1729 and the hearing on the appeal from the denial of the department of  
1730 the application for such approval shall be consolidated and heard  
1731 by the Board of Tax Appeals at the same time. If the department  
1732 determines that the proposed qualified resort area should be  
1733 approved, the department will advise the applicant and the  
1734 Executive Director of the Board of Tax Appeals of the timely  
1735 written request for a hearing on an objection to the application  
1736 and a hearing will be set before the Board of Tax Appeals on this  
1737 objection. If prior to the hearing, either the person requesting  
1738 the hearing withdraws his request or the applicant withdraws his  
1739 application, the hearing will be cancelled and the objection  
1740 proceedings before the Board of Tax Appeals on the application



will be dismissed as moot. In the case of such withdrawals, the Board of Tax Appeals is authorized to assess to either or both parties any costs incurred by it prior to such withdrawal. The Department of Revenue retains authority to approve the proposed area or locality as a qualified resort area where the person objecting to the application withdraws his request for a hearing.

(7) Any person having an interest in any alcoholic beverages, light wine, beer or raw materials which the Department of Revenue intends to dispose of under Section 67-1-18 shall be given reasonable notice of this proposed disposal, and upon such notice, this person may request a hearing before the Board of Tax Appeals to establish his right or claim to this property. This request for a hearing shall be filed with the Board of Tax Appeals, with a copy sent to the Department of Revenue, within fifteen (15) days from the date of receipt of the notice provided above by the person filing the request. If a request is not received by the Board of Tax Appeals within this fifteen-day period, the department may order the property disposed of in accordance with Section 67-1-18.

(8) Upon receipt of a written request for hearing or appeal as set out above, the executive director shall schedule a hearing before the Board of Tax Appeals on this request or appeal. A notice of the hearing shall be mailed to all persons or entities having an interest in the matter being heard which shall always include the person or entity filing the request or appeal for



1766 which the hearing is being set, the applicant or holder of any  
1767 permit, approved manager status or qualified resort area status in  
1768 issue, any person who filed a written request for a hearing on an  
1769 objection to any application in issue and the Department of  
1770 Revenue. This notice shall provide the date, time and location of  
1771 the hearing. Mailing to the attorney representing a person or  
1772 entity in the matter being heard shall be the same as mailing to  
1773 the person or entity the attorney represents. Failure of the  
1774 person or entity on whose request or appeal the matter was set for  
1775 hearing to appear personally or through his designated  
1776 representative at the hearing shall constitute an involuntary  
1777 withdrawal of his request or appeal. Upon such withdrawal, the  
1778 Board of Tax Appeals shall note on the record the failure of the  
1779 person or entity to appear at the hearing and shall dismiss the  
1780 request or appeal and remand the matter back to the Department of  
1781 Revenue for appropriate action.

1782 (9) At any hearing before the Board of Tax Appeals on an  
1783 appeal or hearing request as set out above, two (2) members of the  
1784 Board of Tax Appeals shall constitute a quorum. At the hearing,  
1785 the Board of Tax Appeals shall try the issues presented according  
1786 to law and the facts and pursuant to any guidelines established by  
1787 regulation. The rules of evidence shall be relaxed at the hearing  
1788 and the hearing shall be recorded by a court reporter. After  
1789 reaching a decision on the issues presented, the Board of Tax  
1790 Appeals shall enter an order setting forth its findings and





1791 decision in the matter. A copy of the order of the Board of Tax  
1792 Appeals shall be mailed to the person or entity filing the request  
1793 or appeal which was heard, the applicant or holder of any permit,  
1794 approved manager status or qualified resort area status in issue,  
1795 any person who filed a written request for a hearing on an  
1796 objection to any application in issue and the Department of  
1797 Revenue to notify them of the findings and decision of the Board  
1798 of Tax Appeals.

1799 **SECTION 17.** Section 67-1-85, Mississippi Code of 1972, is  
1800 brought forward as follows:

1801 67-1-85. (1) The holder of a package retailer's permit may  
1802 have signs, lighted or otherwise, on the outside of the premises  
1803 covered by his permit which advertise, announce or advise of the  
1804 sale of alcoholic beverages in or on said premises. Wherever the  
1805 sign is located on the premises, the name of the business shall  
1806 also include the permit number thereof, preceded by the words  
1807 "A.B.C. Permit No."

1808 (2) It shall be lawful to advertise alcoholic beverages by  
1809 means of signs, billboards or displays on or along any road,  
1810 highway, street or building.

1811 (3) It shall be lawful for publishers, broadcasters and  
1812 other kinds, types or forms of public and private advertising  
1813 media to advertise alcoholic beverages; however, no alcoholic  
1814 beverages may be advertised during, or within five (5) minutes  
1815 preceding or following, any television broadcast which consists



1816 primarily of animated material intended for viewing by young  
1817 children.

1818 (4) Notwithstanding the provisions of this section to the  
1819 contrary, it shall be unlawful to advertise alcoholic beverages by  
1820 means of signs, billboards or displays in any municipality, county  
1821 or judicial district which has not voted pursuant to the  
1822 provisions of this chapter to legalize the sale of alcoholic  
1823 beverages.

1824 **SECTION 18.** Section 67-1-91, Mississippi Code of 1972, is  
1825 brought forward as follows:

1826 67-1-91. (1) It is hereby made the duty of every police and  
1827 peace officer and every district and county attorney and the  
1828 Alcoholic Beverage Control Division of the State Tax Commission to  
1829 enforce the provisions of this chapter and to inform against and  
1830 diligently prosecute persons whom they have reasonable cause to  
1831 believe to be offenders against the provisions thereof. Every  
1832 such officer refusing or neglecting to do so shall be guilty of a  
1833 misdemeanor, and the court, in addition to imposing the penalty  
1834 therefor, shall adjudge forfeiture of his office.

1835 (2) In any county or municipality where it is readily  
1836 apparent that local law enforcement authorities in cooperation  
1837 with the agents and inspectors provided by the commission cannot  
1838 control the illegal sale of alcoholic beverages, the commission  
1839 shall request such assistance as it may deem necessary from the  
1840 Mississippi Highway Safety Patrol; and it shall be the duty of the



1841 Governor of the State of Mississippi to see that the laws of the  
1842 state are properly enforced by use of the additional authority as  
1843 herein provided.

1844 (3) The officers, agents and representatives of the State  
1845 Tax Commission and the Alcoholic Beverage Control Division thereof  
1846 are authorized and directed to strictly enforce the prohibition  
1847 laws throughout the state, except in those counties and  
1848 municipalities which have voted for the legalized sale of  
1849 intoxicating liquor. The State Highway Patrol, sheriffs, police  
1850 departments, constables, and all peace officers, and prosecuting  
1851 attorneys, the Attorney General's office, district attorneys,  
1852 county attorneys, city attorneys, and all others charged with  
1853 upholding the law, as well as the citizenry of this state, are  
1854 hereby urged and directed to uphold the dignity of the law, to  
1855 foster public respect therefor and to strictly enforce the laws  
1856 against intoxicating liquor in all cases while operating a motor  
1857 vehicle on the streets and highways of this state, and to enforce  
1858 the law and prosecute against the wrongful use of intoxicating  
1859 liquor in any county or municipality by a permit holder or  
1860 licensee or anyone else under such circumstances and conditions as  
1861 would lead to a breakdown in public law or is violative of the  
1862 public sense of common decency, as well as to enforce the law  
1863 against gambling, organized crime, or social vice and corruption.

1864 **SECTION 19.** Section 67-1-101, Mississippi Code of 1972, is  
1865 brought forward as follows:



1866           67-1-101. (1) For the purposes of this section, the  
1867 following words shall have the following meanings ascribed in this  
1868 section, unless the context clearly otherwise requires:

1869           (a) "Municipality" means any incorporated city, town or  
1870 village that has voted in favor of coming out from under the dry  
1871 law or is in a county that has voted in favor of coming out from  
1872 under the dry law.

1873           (b) "Leisure and recreation district" means an area  
1874 officially designated by ordinance or resolution of the governing  
1875 authorities of a municipality or county as a leisure and  
1876 recreation district.

1877           (c) "County" means any county that has voted in favor  
1878 of coming out from under the dry law.

1879           (2) (a) Subject to the provisions of this section, the  
1880 governing authorities of a municipality, by ordinance, may  
1881 establish one or more leisure and recreation districts within the  
1882 corporate boundaries of the municipality and designate the  
1883 geographic area or areas to be included within a district. The  
1884 governing authorities of a municipality, by ordinance, may modify  
1885 the boundaries of a leisure and recreation district. In addition,  
1886 the boundaries of a leisure and recreation district may extend  
1887 from within the municipality into the unincorporated area of the  
1888 county in which the municipality is located if the county consents  
1889 to the extension and has voted in favor of coming out from under  
1890 the dry law.



1891           (b) Subject to the provisions of this section, the  
1892 board of Supervisors of a county, by resolution, may establish one  
1893 or more leisure and recreation districts within the county that  
1894 are outside the corporate limits of any municipality in the county  
1895 and designate the geographic area or areas to be included within  
1896 the districts.

1897           (c) The designation or modification of the geographic  
1898 area or areas as a leisure and recreation district shall include a  
1899 detailed description of the area or areas within the district,  
1900 boundaries of the district and a georeferenced map of the  
1901 district. In addition to any other matters addressed in an  
1902 ordinance or resolution establishing or modifying a leisure and  
1903 recreation district, a municipality or county, as the case may be,  
1904 must describe the manner in which the municipality or county, as  
1905 the case may be, will provide for adequate law enforcement and  
1906 other public safety measures and services within the district.  
1907 Following the establishment and/or modification of a leisure and  
1908 recreation district, the municipality or county, as the case may  
1909 be, shall provide the Department of Revenue with (i) a copy of any  
1910 ordinance or resolution relating to the establishment or  
1911 modification of the district, (ii) verification from the municipal  
1912 police department and/or applicable sheriff's department  
1913 indicating how such department will provide adequate law  
1914 enforcement and other public safety measures and services within  
1915 the district, and (iii) a list of persons or other entities that



hold permits issued under Section 67-1-51(c), (e), (f), (g), (l),  
(n) or (o) and are located and/or doing business under such  
permits in the district at the time the district is established.

**SECTION 20.** Section 67-3-5, Mississippi Code of 1972, is  
brought forward as follows:

67-3-5. (1) It shall be lawful, subject to the provisions  
set forth in this chapter, in this state to transport, store,  
sell, distribute, possess, receive and/or manufacture wine and  
beer, and it is hereby declared that it is the legislative intent  
that this chapter privileges the lawful sale and manufacture,  
within this state, of such light wines and beer. In determining  
if a wine product is "light wine," or contains an alcoholic  
content of more than five percent (5%) by weight, or is not an  
"alcoholic beverage" as defined in the Local Option Alcoholic  
Beverage Control Law, Chapter 1 of Title 67, Mississippi Code of  
1972, the alcoholic content of such wine product shall be subject  
to the same permitted tolerance as is allowed by the labeling  
requirements for light wine provided for in Section 27-71-509.

(2) Subject to the provisions set forth in this chapter, it  
shall be lawful in this state to transport, store, sell,  
distribute, possess, receive, and/or manufacture beer of an  
alcoholic content of more than eight percent (8%) by weight, if  
the beer is manufactured to be sold legally in another state and  
is transported outside of this state for retail sale.



**SECTION 21.** Section 67-3-7, Mississippi Code of 1972, is brought forward as follows:

67-3-7. (1) If any county, at an election held for the purpose under the election laws of the state, shall by a majority vote of the duly qualified electors voting in the election determine that the transportation, storage, sale, distribution, receipt and/or manufacture of wine and beer shall not be permitted in such county, then the same shall not be permitted therein except as authorized under Section 67-9-1 and as may be otherwise authorized in this section. An election to determine whether such transportation, storage, sale, distribution, receipt and/or manufacture of such beverages shall be excluded from any county in the state, shall, on a petition of twenty percent (20%) of the duly qualified electors of such county, be ordered by the board of supervisors of the county, for such county only. No election on the question shall be held in any one (1) county more often than once in five (5) years.

In counties which have elected, or may elect by a majority vote of the duly qualified electors voting in the election, that the transportation, storage, sale, distribution, receipt and/or manufacture of wine or beer shall not be permitted in the county, an election may be held in the same manner as the election hereinabove provided on the question of whether or not the transportation, storage, sale, distribution, receipt and/or manufacture of said beverages shall be permitted in such county.



1965 Such election shall be ordered by the board of supervisors of such  
1966 county on a petition of twenty percent (20%) of the duly qualified  
1967 electors of such county. No election on this question can be  
1968 ordered more often than once in five (5) years.

1969 (2) Nothing in this section shall make it unlawful to  
1970 possess beer or wine, as defined herein, in any municipality which  
1971 has heretofore or which may hereafter vote in an election,  
1972 pursuant to Section 67-3-9, in which a majority of the qualified  
1973 electors vote in favor of permitting the sale and the receipt,  
1974 storage and transportation for the purpose of sale of beer or wine  
1975 as defined herein.

1976 (3) Nothing in this section shall make it unlawful to:

1977 (a) Possess or consume light wine or beer at a  
1978 qualified resort area as defined in Section 67-1-5;

1979 (b) Sell, distribute and transport light wine or beer  
1980 to a qualified resort area as defined in Section 67-1-5;

1981 (c) Sell light wine or beer at a qualified resort area  
1982 as defined in Section 67-1-5 if such light wine or beer is sold by  
1983 a person with a permit to engage in the business as a retailer of  
1984 light wine or beer;

1985 (d) Transport beer of an alcoholic content of more than  
1986 eight percent (8%) by weight if it is being transported to another  
1987 state for legal sale in that state;

1988 (e) Transport legally purchased light wine or beer in  
1989 unopened containers if it is being transported on a state or





federal highway; however, this paragraph shall not apply to a retailer unless the retailer has purchased the light wine or beer from a wholesaler or distributor for the designated sales territory in which the retailer is located and the retailer has in his possession an invoice from the wholesaler or distributor for the light wine or beer; or

(f) Transport homemade beer as authorized in Section 67-3-11.

**SECTION 22.** Section 67-3-9, Mississippi Code of 1972, is brought forward as follows:

67-3-9. Any city in this state, having a population of not less than two thousand five hundred (2,500) according to the latest federal census; or any city in this state having a population of not less than one thousand five hundred (1,500) according to the latest federal census and located within three (3) miles of a city or county that permits the sale, receipt, storage and transportation for the purpose of sale of beer or light wine; at an election held for the purpose, under the election laws applicable to such city, may either prohibit or permit, except as otherwise provided under Section 67-9-1, the sale and the receipt, storage and transportation for the purpose of sale of beer and light wine. An election to determine whether such sale shall be permitted in cities wherein its sale is prohibited by law shall be ordered by the city council or mayor and board of aldermen or other governing body of such city for



2015 such city only, upon the presentation of a petition for such city  
2016 to such governing board containing the names of twenty percent  
2017 (20%) of the duly qualified voters of such city asking for such  
2018 election. In like manner, an election to determine whether such  
2019 sale shall be prohibited in cities wherein its sale is permitted  
2020 by law shall be ordered by the city council or mayor and board of  
2021 aldermen or other governing board of such city for such city only,  
2022 upon the presentation of a petition to such governing board  
2023 containing the names of twenty percent (20%) of the duly qualified  
2024 voters of such city asking for such election. No election on  
2025 either question shall be held by any one (1) city more often than  
2026 once in five (5) years.

2027       Thirty (30) days' notice shall be given to the qualified  
2028 electors of such city in the manner prescribed by law upon the  
2029 question of either permitting or prohibiting such sale, and the  
2030 notice shall contain a statement of the question to be voted on at  
2031 the election. The tickets to be used in the election shall have  
2032 the following words printed thereon: "For the legal sale of light  
2033 wine of an alcoholic content of not more than five percent (5%) by  
2034 weight and beer of an alcoholic content of not more than eight  
2035 percent (8%) by weight"; and the words "Against the legal sale of  
2036 light wine of an alcoholic content of not more than five percent  
2037 (5%) by weight and beer of an alcoholic content of not more than  
2038 eight percent (8%) by weight," next below. In making up his



2039 ticket the voter shall make a cross (X) opposite the words of his  
2040 choice.

2041       If in the election a majority of the qualified electors  
2042 voting in the election shall vote "For the legal sale of light  
2043 wine of an alcoholic content of not more than five percent (5%) by  
2044 weight and beer of an alcoholic content of not more than eight  
2045 percent (8%) by weight," then the city council or mayor and board  
2046 of aldermen or other governing body shall pass the necessary order  
2047 permitting the legal sale of such light wine and beer in such  
2048 city. If in the election a majority of the qualified electors  
2049 voting in the election shall vote "Against the legal sale of light  
2050 wine of an alcoholic content of not more than five percent (5%) by  
2051 weight and beer of an alcoholic content of not more than eight  
2052 percent (8%) by weight," then the city council or mayor and board  
2053 of aldermen or other governing body shall pass the necessary order  
2054 prohibiting the sale of such light wine and beer in such city.

2055       All laws or parts of laws in conflict with this section are  
2056 hereby repealed to the extent of such conflict only, this section  
2057 being cumulative and supplementary.

2058       **SECTION 23.** Section 67-3-13, Mississippi Code of 1972, is  
2059 brought forward as follows:

2060       67-3-13. (1) Except as otherwise provided herein and as  
2061 authorized under this section and Section 67-9-1, in any county  
2062 which has at any time since February 26, 1934, elected, or which  
2063 may hereafter elect, to prohibit the transportation, storage,



2064 sale, distribution, receipt and/or manufacture of wine and beer of  
2065 an alcoholic content of not more than four percent (4%) by weight  
2066 in such county, it is hereby declared to be unlawful to possess  
2067 such beverages therein. In any county which, after July 1, 1998,  
2068 elects to prohibit the transportation, storage, sale,  
2069 distribution, receipt and/or manufacture of wine and beer of an  
2070 alcoholic content of not more than five percent (5%) by weight in  
2071 such county, it is hereby declared to be unlawful to possess such  
2072 beer therein. In any county which, after July 1, 2012, elects to  
2073 prohibit the transportation, storage, sale, distribution, receipt  
2074 and/or manufacture of wine of an alcoholic content of not more  
2075 than five percent (5%) by weight in such county and beer of an  
2076 alcoholic content of not more than eight percent (8%) by weight,  
2077 it is hereby declared to be unlawful to possess such beer therein.  
2078 Any person found possessing any beer or wine of any quantity  
2079 whatsoever in such county shall, on conviction, be imprisoned not  
2080 more than ninety (90) days or fined not more than Five Hundred  
2081 Dollars (\$500.00), or be both so fined and imprisoned.

2082 (2) Notwithstanding the provisions of subsection (1) of this  
2083 section, in any county or municipality in which the  
2084 transportation, storage, sale, distribution, receipt and/or  
2085 manufacture of light wine and beer is prohibited, it shall not be  
2086 unlawful for a permitted wholesaler or distributor to possess  
2087 light wine and beer when such light wine and beer is held therein  
2088 solely for the purpose of storage and for distribution to other



2089 counties and municipalities in which possession of such beverages  
2090 is lawful.

2091 (3) Notwithstanding the provisions of subsections (1) and  
2092 (2) of this section, in any county in which transportation,  
2093 storage, sale, distribution, receipt and/or manufacture of light  
2094 wine and beer is prohibited, it shall not be unlawful:

2095 (a) To receive, store, possess or consume light wine or  
2096 beer at a resort area as defined in Section 67-1-5;

2097 (b) To distribute and transport light wine or beer to a  
2098 resort area as defined in Section 67-1-5;

2099 (c) To transport beer of an alcoholic content of more  
2100 than eight percent (8%) by weight if it is being transported to  
2101 another state for legal sale in that state;

2102 (d) To transport legally purchased light wine or beer  
2103 in unopened containers if it is being transported on a state or  
2104 federal highway; however, this paragraph shall not apply to a  
2105 retailer unless the retailer has purchased the light wine or beer  
2106 from a wholesaler or distributor for the designated sales  
2107 territory in which the retailer is located and the retailer has in  
2108 his possession an invoice from the wholesaler or distributor for  
2109 the light wine or beer; or

2110 (e) To transport homemade beer as authorized in Section  
2111 67-3-11.



(4) Any light wine or beer found in possession of, or sold by, a person in violation of this section shall be seized and disposed of in the manner provided for in Section 67-1-18.

**SECTION 24.** Section 67-3-67, Mississippi Code of 1972, is brought forward as follows:

67-3-67. No county or any officer or agent thereof, nor any other officer, agent, or person, shall interfere with or impede the passage through such county of any light wine or beer moving in accordance with the provisions of this chapter and the provisions of Section 67-9-1 and which in transit to or from any county of this state wherein the traffic in light wines and beer is not prohibited, any county prohibition of such traffic to the contrary notwithstanding.

**SECTION 25.** Section 67-9-1, Mississippi Code of 1972, is brought forward as follows:

67-9-1. Notwithstanding the provisions of any section of Title 27 or 67, Mississippi Code of 1972, it shall be lawful for any person holding an alcohol processing permit to transport and possess alcoholic beverages, light wine and beer, in any part of the state, for his or her use in cooking, processing or manufacturing products which contain alcoholic beverages as an integral ingredient, in amounts as limited by the Alcoholic Beverage Control Division of the State Tax Commission. The authority to transport and possess alcoholic beverages, light wine and beer under this section exists regardless of whether (a) the



2137 county or municipality in which the transportation or possession  
2138 takes place has voted for or against coming out from under the dry  
2139 law, or (b) the transportation, storage, sale, distribution,  
2140 receipt or manufacture of light wine and beer otherwise is  
2141 prohibited.

2142 The provisions of this section shall not be construed as  
2143 amending, repealing or otherwise affecting any statute or any  
2144 lawfully adopted ordinance, rule or regulation that prohibits or  
2145 restricts the location at which, or the premises upon which,  
2146 alcoholic beverages, light wine or beer may be sold or consumed.

2147 **SECTION 26.** Section 27-71-15, Mississippi Code of 1972, is  
2148 brought forward as follows:

2149 27-71-15. Except as otherwise provided in Section 67-9-1 for  
2150 the transportation of limited amounts of alcoholic beverages for  
2151 the use of an alcohol processing permittee, if transportation  
2152 requires passage through a county which has not authorized the  
2153 sale of alcoholic beverages, such transportation shall be by a  
2154 sealed vehicle. Such seal shall remain unbroken until the vehicle  
2155 shall reach the place of business operated by the permittee. The  
2156 operator of any vehicle transporting alcoholic beverages shall  
2157 have in his possession an invoice issued by the commission at the  
2158 time of the wholesale sale covering the merchandise transported by  
2159 the vehicle. The commission is authorized to issue regulations  
2160 controlling the transportation of alcoholic beverages.



2161           When the restrictions imposed by this section and by the  
2162 regulation of the commission have not been violated, the person  
2163 transporting alcoholic beverages through a county wherein the sale  
2164 of alcoholic beverages is prohibited shall not be guilty of  
2165 unlawful possession and such merchandise shall be immune from  
2166 seizure.

2167           **SECTION 27.** Section 27-71-31, Mississippi Code of 1972, is  
2168 brought forward as follows:

2169           27-71-31. Nothing herein shall be construed to make lawful  
2170 the sale, possession, distribution or transportation of alcoholic  
2171 beverages in this state, except to the extent, in the manner and  
2172 in the localities that same shall be made lawful and legal under  
2173 the provisions of the Alcoholic Beverage Control Law.

2174           **SECTION 28.** Section 97-31-47, Mississippi Code of 1972, is  
2175 brought forward as follows:

2176           97-31-47. It shall be unlawful for any transportation  
2177 company, or any agent, employee, or officer of such company, or  
2178 any other person, or corporation to transport into or deliver in  
2179 this state in any manner or by any means any spirituous, vinous,  
2180 malt, or other intoxicating liquors or drinks, or for any such  
2181 person, company, or corporation to transport any spirituous, malt,  
2182 vinous, or intoxicating liquors or drinks from one place within  
2183 this state to another place within the state, or from one (1)  
2184 point within this state to any point without the state, except in





2185 cases where this chapter or Section 67-9-1 authorizes the  
2186 transportation.

2187       **SECTION 29.** Section 57-26-1, Mississippi Code of 1972, is  
2188 brought forward as follows:

2189       57-26-1. As used in Sections 57-26-1 through 57-26-5, the  
2190 following terms and phrases shall have the meanings ascribed in  
2191 this section unless the context clearly indicates otherwise:

2192           (a) "Approved project costs" means actual costs  
2193 incurred by an approved participant for land acquisition,  
2194 construction, engineering, design and other costs approved by the  
2195 Mississippi Development Authority relating to a tourism project;  
2196 however, for the purposes of a tourism project described in  
2197 paragraph (d)(iv) of this section, such costs include only those  
2198 incurred after January 1, 2011, relating to the hotel portion of  
2199 the project consisting of facilities used for lodging and common  
2200 areas in that portion of the project. All costs must be verified  
2201 by an independent third party approved by the MDA. An approved  
2202 participant shall pay the costs for the third-party verification  
2203 of costs. Approved project costs may not increase regardless of  
2204 the actual costs incurred by the project.

2205           (b) "Approved participant" means a person, corporation  
2206 or other entity issued a certificate by the Mississippi  
2207 Development Authority under Section 57-26-5.

2208           (c) "MDA" means the Mississippi Development Authority.



2209                   (d) "Tourism project" shall include any of the  
2210 following as may be approved by the MDA:

2211                   (i) Theme parks, water parks, entertainment parks  
2212 or outdoor adventure parks, cultural or historical interpretive  
2213 educational centers or museums, motor speedways, indoor or outdoor  
2214 entertainment centers or complexes, convention centers,  
2215 professional sports facilities, spas, attractions created around a  
2216 natural phenomenon or scenic landscape and marinas open to the  
2217 public with a minimum private investment of not less than Ten  
2218 Million Dollars (\$10,000,000.00);

2219                   (ii) A hotel with a minimum private investment of  
2220 Forty Million Dollars (\$40,000,000.00) in land, buildings,  
2221 architecture, engineering, fixtures, equipment, furnishings,  
2222 amenities and other related soft costs approved by the Mississippi  
2223 Development Authority, and having a minimum private investment of  
2224 One Hundred Fifty Thousand Dollars (\$150,000.00) per guest room  
2225 which amount shall be included within the minimum private  
2226 investment of Forty Million Dollars (\$40,000,000.00);

2227                   (iii) A public golf course with a minimum private  
2228 investment of Ten Million Dollars (\$10,000,000.00);

2229                   (iv) A full service hotel with a minimum private  
2230 investment of Fifteen Million Dollars (\$15,000,000.00) in land,  
2231 buildings, architecture, engineering, fixtures, equipment,  
2232 furnishings, amenities and other related soft costs approved by  
2233 the Mississippi Development Authority, and having a minimum



2234 private investment of Two Hundred Thousand Dollars (\$200,000.00)  
2235 per guest room or suite which amount shall be included within the  
2236 minimum private investment of Fifteen Million Dollars  
2237 (\$15,000,000.00), a minimum of twenty-five (25) guest rooms or  
2238 suites, and guest amenities such as restaurants, spas and other  
2239 amenities as determined by the Mississippi Development Authority;  
2240 however, in a county in which the Grammy Museum Mississippi or the  
2241 Mississippi Arts and Entertainment Center is located, the minimum  
2242 private investment per guest room or suite shall be One Hundred  
2243 Fifty Thousand Dollars (\$150,000.00) which amount shall be  
2244 included within the minimum private investment of Fifteen Million  
2245 Dollars (\$15,000,000.00);

2246 (v) A tourism attraction located within an  
2247 "entertainment district" as defined in Section 17-29-3 that is  
2248 open to the public, has seating to accommodate at least forty (40)  
2249 persons, is open at least five (5) days per week from at least  
2250 6:00 p.m. until midnight, serves food and beverages, and provides  
2251 live entertainment at least three (3) nights per week;

2252 (vi) A cultural retail attraction;

2253 (vii) A tourism attraction located within a  
2254 historic district where the district is listed in the National  
2255 Register of Historic Places, where the tourism attraction is open  
2256 to the public, has seating to accommodate at least forty (40)  
2257 persons, is open at least five (5) days per week from at least



2258 6:00 p.m. until midnight, serves food and beverages, and provides  
2259 live entertainment at least three (3) nights per week.

2260 The term "tourism project" does not include any licensed  
2261 gaming establishment owned, leased or controlled by a business,  
2262 corporation or entity having a gaming license issued under Section  
2263 75-76-1 et seq.; however, the term "tourism project" may include a  
2264 project described in this paragraph (d) that is owned, leased or  
2265 controlled by such a business, corporation or entity or in which  
2266 the business, corporation or entity has a direct or indirect  
2267 financial interest if the project is in excess of development that  
2268 the State Gaming Commission requires for the issuance or renewal  
2269 of a gaming license and is not part of a licensed gaming  
2270 establishment in which gaming activities are conducted.

2271 The term "tourism project" does not include any facility  
2272 within the project whose primary business is retail sales or any  
2273 expansions of existing projects; however, pro shops, souvenir  
2274 shops, gift shops, concessions and similar retail activities, and  
2275 cultural retail attractions may be included within the definition  
2276 of the term "tourism project." In addition, retail activities,  
2277 regardless of whether the primary business is retail sales, that  
2278 are part of a resort development may be included within the  
2279 definition of "tourism project."

2280 (e) "Resort development" means a travel destination  
2281 development with a minimum private investment of One Hundred  
2282 Million Dollars (\$100,000,000.00) and which consists of (i) a



2283 hotel with a minimum of two hundred (200) guest rooms or suites  
2284 and having a minimum private investment of Two Hundred Thousand  
2285 Dollars (\$200,000.00) per guest room or suite, and (ii) guest  
2286 amenities such as restaurants, golf courses, spas, fitness  
2287 facilities, entertainment activities and other amenities as  
2288 determined by the MDA. Not more than an amount equal to forty  
2289 percent (40%) of the private investment required by this paragraph  
2290 may be expended on facilities to house retail activity.

2291 (f) "Cultural retail attraction" means a project which  
2292 combines destination shopping with cultural or historical  
2293 interpretive elements specific to Mississippi with a minimum  
2294 private investment of Fifty Million Dollars (\$50,000,000.00) in  
2295 land, buildings, architecture, engineering, fixtures, equipment,  
2296 furnishings, amenities and other related soft costs approved by  
2297 the Mississippi Development Authority and which:

2298 (i) Is located in a qualified resort area as  
2299 defined in Section 67-1-5;

2300 (ii) Is a part of a master-planned development  
2301 with a total investment of not less than One Hundred Million  
2302 Dollars (\$100,000,000.00) in land, buildings, architecture,  
2303 engineering, fixtures, equipment, furnishings, amenities and other  
2304 related soft costs approved by the Mississippi Development  
2305 Authority;



2306 (iii) Has a minimum of fifty (50) retail tenants  
2307 with a minimum of three hundred thousand (300,000) square feet of  
2308 heated and cooled space; and

2309 (iv) Has a minimum investment of One Million  
2310 Dollars (\$1,000,000.00) in one or more of the following:

2311 1. Art created by Mississippi artists or  
2312 portraying themes specific to Mississippi;

2313 2. Memorabilia, signage or historical markers  
2314 which serve to promote the State of Mississippi;

2315 3. Audio/visual equipment used to showcase  
2316 Mississippi artists;

2317 4. A minimum of one thousand two hundred and  
2318 fifty (1,250) square feet of heated and cooled space available to  
2319 the Mississippi Development Authority or its assignee for a period  
2320 of not less than ten (10) years.

2321 (g) "Retail activity" means businesses whose inventory  
2322 consists primarily of upscale name brands or their equivalent as  
2323 determined by the MDA.

2324 (h) "State" means the State of Mississippi.

2325 **SECTION 30.** This act shall take effect and be in force from  
2326 and after July 1, 2019.

